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OFFICIAL DOCUMENTS

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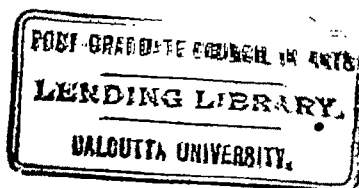
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Señor Luis M. Drago, Minister of Foreign Relations of the Argentine Republic, to Señor Martin García Mérou, Minister of the Argentine Republic to the United States¹.

[TRANSLATION]

ARGENTINE REPUBLIC

MINISTRY OF FOREIGN RELATIONS AND WORSHIP

Buenos Aires, December 29, 1902.

MR. MINISTER: I have received your excellency's telegram of the 20th instant concerning the events that have lately taken place between the Government of the Republic of Venezuela and the Governments of Great Britain and Germany. According to your excellency's information the origin of the disagreement is, in part, the damages suffered by subjects of the claimant nations during the revolutions and wars that have recently occurred within the borders of the Republic mentioned, and in part also the fact that certain payments on the external debt of the nation have not been met at the proper time.

Leaving out of consideration the first class of claims the adequate adjustment of which it would be necessary to consult the laws of the several countries, this Government has deemed it expedient to transmit to your excellency some considerations with reference to the forcible collection of the public debt suggested by the events that have taken place.

At the outset it is to be noted in this connection that the capitalist who lends his money to a foreign state always takes into account the resources of the country and the probability, greater or less, that the obligations contracted will be fulfilled without delay.

All governments thus enjoy different credit according to their degree of civilization and culture and their conduct in business transactions; and these conditions are measured and weighed before making any loan, the terms being made more or less onerous in accordance with the precise data concerning them which bankers always have on record.

• In the first place the lender knows that he is entering into a contract

¹ United States: Foreign Relations, 1903, p. 1.

with a sovereign entity, and it is an inherent qualification of all sovereignty that no proceedings for the execution of a judgment may be instituted or carried out against it, since this manner of collection would compromise its very existence and cause the independence and freedom of action of the respective government to disappear.

Among the fundamental principles of public international law which humanity has consecrated, one of the most precious is that which decrees that all states, whatever be the force at their disposal, are entities in law, perfectly equal one to another, and mutually entitled by virtue thereof to the same consideration and respect.

The acknowledgment of the debt, the payment of it in its entirety, can and must be made by the nation without diminution of its inherent rights as a sovereign entity, but the summary and immediate collection at a given moment, by means of force, would occasion nothing less than the ruin of the weakest nations, and the absorption of their governments, together with all the functions inherent in them, by the mighty of the earth. The principles proclaimed on this continent of America are otherwise. "Contracts between a nation and private individuals are obligatory according to the conscience of the sovereign, and may not be the object of compelling force," said the illustrious Hamilton. "They confer no right of action contrary to the sovereign will."

The United States has gone very far in this direction. The eleventh amendment to its Constitution provided in effect, with the unanimous assent of the people, that the judicial power of the nation should not be extended to any suit in law or equity prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state. The Argentine Government has made its Provinces indictable, and has even adopted the principle that the nation itself may be brought to trial before the supreme court on contracts which it enters into with individuals.

What has not been established, what could in no wise be admitted, is that, once the amount for which it may be indebted has been determined by legal judgment, it should be deprived of the right to choose the manner and the time of payment, in which it has as much interest as the creditor himself, or more, since its credit and its national honor are involved therein.

This is in no wise a defense for bad faith, disorder, and deliberate and voluntary insolvency. It is intended merely to preserve the dignity of the public international entity which may not thus be dragged into war with detriment to those high ends which determine the existence and liberty of nations.

The fact that collection can not be accomplished by means of violence does not, on the other hand, render valueless the acknowledgment of the public debt, the definite obligation of paying it.

The state continues to exist in its capacity as such, and sooner or later the gloomy situations are cleared up, resources increase, common aspirations of equity and justice prevail, and the most neglected promises are kept.

The decision, then, which declares the obligation to pay a debt, whether it be given by the tribunals of the country or by those of international arbitration, which manifest the abiding zeal for justice as the basis of the political relations of nations, constitutes an indisputable title which can not be compared to the uncertain right of one whose claims are not recognized and who sees himself driven to appeal to force in order that they may be satisfied.

As these are the sentiments of justice, loyalty, and honor which animate the Argentine people and have always inspired its policy, your excellency will understand that it has felt alarmed at the knowledge that the failure of Venezuela to meet the payments of its public debt is given as one of the determining causes of the capture of its fleet, the bombardment of one of its ports, and the establishment of a rigorous blockade along its shores. If such proceedings were to be definitely adopted they would establish a precedent dangerous to the security and the peace of the nations of this part of America.

The collection of loans by military means implies territorial occupation to make them effective, and territorial occupation signifies the suppression or subordination of the governments of the countries on which it is imposed.

Such a situation seems obviously at variance with the principles many times proclaimed by the nations of America, and particularly with the Monroe doctrine, sustained and defended with so much zeal on all occasions by the United States, a doctrine to which the Argentine Republic has heretofore solemnly adhered.

Among the principles which the memorable message of December 2, 1823, enunciates, there are two great declarations which particularly refer to these republics, viz: "The American continents are henceforth not to be considered as subjects for colonization by any European powers," and " * * * with the governments * * * whose independence we have * * * acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

The right to forbid new colonial dominions within the limits of this continent has been many times admitted by the public men of England. To her sympathy is due, it may be said, the great success which the Monroe doctrine achieved immediately on its publication. But in very recent times there has been observed a marked tendency among the publicists and in the various expressions of European opinion to call attention to these countries as a suitable field for future territorial expansion. Thinkers of the highest order have pointed out the desirability of turning in this direction the great efforts which the principal powers of Europe have exerted for the conquest of sterile regions with trying climates and in remote regions of the earth. The European writers are already many who point to the territory of South America, with its great riches, its sunny sky, and its climate propitious for all products, as, of necessity, the stage on which the great powers, who have their arms and implements of conquest already prepared, are to struggle for the supremacy in the course of this century.

The human tendency to expansion, thus inflamed by the suggestions of public opinion and the press, may, at any moment, take an aggressive direction, even against the will of the present governing classes. And it will not be denied that the simplest way to the setting aside and easy ejection of the rightful authorities by European governments is just this way of financial interventions—as might be shown by many examples. We in no wise pretend that the South American nations are, from any point of view, exempt from the responsibilities of all sorts which violations of international law impose on civilized peoples. We do not nor can we pretend that these countries occupy an exceptional position in their relations with European powers, which have the indubitable right to protect their subjects as completely as in any other part of the world against the persecutions and injustices of which they may be the victims. The only principle which the Argentine Republic maintains and which it would, with great satisfaction, see adopted, in view of the events in Venezuela, by a nation that enjoys such great authority and prestige as does the United States is the principle, already accepted, that there can be no territorial expansion in America on the part of Europe, nor any oppression of the peoples of this continent, because an unfortunate financial situation may compel some one of them to postpone the fulfillment of its promises. In a word, the principle which she would like to see recognized is: that the public debt can not occasion armed intervention nor even the actual occupation of the territory of American nations by a European power.

The loss of prestige and credit experienced by states which fail to

• satisfy the rightful claims of their lawful creditors brings with it difficulties of such magnitude as to render it unnecessary for foreign intervention to aggravate with its oppression the temporary misfortunes of insolvency.

The Argentine Government could cite its own example to demonstrate the needlessness of armed intervention in these cases.

The payment of the English debt of 1824 was spontaneously resumed by her after an interruption of thirty years, occasioned by the anarchy and the disturbances which seriously affected the country during this period, and all the back payments and all the interest payments were scrupulously made without any steps to this end having been taken by the creditors.

Later on a series of financial happenings and reverses completely beyond the control of her authorities compelled her for the moment to suspend the payment of the foreign debt. She had, however, the firm and fixed intention of resuming the payments as soon as circumstances should permit, and she did so actually some time afterwards, at the cost of great sacrifices, but of her own free will and without the interference or the threats of any foreign power. And it has been because of her perfectly scrupulous, regular, and honest proceedings, because of her high sentiment of equity and justice so fully demonstrated, that the difficulties undergone, instead of diminishing, have increased her credit in the markets of Europe. It may be affirmed with entire certainty that so flattering a result would not have been obtained had the creditors deemed it expedient to intervene with violence at the critical financial period, which was thus passed through successfully. We do not nor can we fear that such circumstances will be repeated.

At this time, then, no selfish feeling animates us, nor do we seek our own advantage in manifesting our desire that the public debt of states should not serve as a reason for an armed attack on such states. Quite as little do we harbor any sentiment of hostility with regard to the nations of Europe. On the contrary, we have maintained with all of them since our emancipation the most friendly relations, especially with England, to whom we have recently given the best proof of the confidence which her justice and equanimity inspire in us by intrusting to her decision the most important of our international questions, which she has just decided, fixing our limits with Chile after a controversy of more than seventy years.

• We know that where England goes civilization accompanies her, and the benefits of political and civil liberty are extended. Therefore, we esteem her, but this does not mean that we should adhere with equal

sympathy to her policy in the improbable case of her attempting to oppress the nationalities of this continent which are struggling for their own progress, which have already overcome the greatest difficulties and will surely triumph—to the honor of democratic institutions. Long, perhaps, is the road that the South American nations still have to travel. But they have faith enough and energy and worth sufficient to bring them to their final development with mutual support.

And it is because of this sentiment of continental brotherhood and because of the force which is always derived from the moral support of a whole people that I address you, in pursuance of instructions from His Excellency the President of the Republic, that you may communicate to the Government of the United States our point of view regarding the events in the further development of which that Government is to take so important a part, in order that it may have it in mind as the sincere expression of the sentiments of a nation that has faith in its destiny and in that of this whole continent, at whose head march the United States, realizing our ideals and affording us examples.

Please accept, etc.,

LUÍS M. DRAGO.

Declaration between the United Kingdom and France respecting Egypt and Morocco, dated April 8, 1904.¹

ARTICLE I. His Britannic Majesty's Government declare that they have no intention of altering the political status of Egypt.

The Government of the French Republic, for their part, declare that they will not obstruct the action of Great Britain in that country by asking that a limit of time be fixed for the British occupation or in any other manner, and that they give their assent to the draft Khedivial Decree annexed to the present Arrangement, containing the guarantees considered necessary for the protection of the interests of the Egyptian bondholders, on the condition that, after its promulgation, it cannot be modified in any way without the consent of the Powers Signatory of the Convention of London of 1885.

It is agreed that the post of Director-General of Antiquities in Egypt shall continue, as in the past, to be entrusted to a French *savant*.

The French schools in Egypt shall continue to enjoy the same liberty as in the past.

ART. II. The Government of the French Republic declare that they have no intention of altering the political status of Morocco.

¹Great Britain: Parliamentary Papers, Treaty Series, 1905, No. 6.

His Britannic Majesty's Government, for their part, recognize that it appertains to France, more particularly as a Power whose dominions are conterminous for a great distance with those of Morocco, to preserve order in that country, and to provide assistance for the purpose of all administrative, economic, financial, and military reforms which it may require.

They declare that they will not obstruct the action taken by France for this purpose, provided that such action shall leave intact the rights which Great Britain, in virtue of Treaties, Conventions, and usage, enjoys in Morocco, including the right of coasting trade between the ports of Morocco, enjoyed by British vessels since 1901.

ART. III. His Britannic Majesty's Government, for their part, will respect the rights which France, in virtue of Treaties, Conventions, and usage, enjoys in Egypt, including the right of coasting trade between Egyptian ports accorded to French vessels.

ART. IV. The two Governments, being equally attached to the principle of commercial liberty both in Egypt and Morocco, declare that they will not, in those countries, countenance any inequality either in the imposition of customs duties or other taxes, or of railway transport charges.

The trade of both nations with Morocco and with Egypt shall enjoy the same treatment in transit through the French and British possessions in Africa. An Agreement between the two Governments shall settle the conditions of such transit and shall determine the points of entry.

This mutual engagement shall be binding for a period of thirty years. Unless this stipulation is expressly denounced at least one year in advance, the period shall be extended for five years at a time.

Nevertheless, the Government of the French Republic reserve to themselves in Morocco, and His Britannic Majesty's government reserve to themselves in Egypt, the right to see that the concessions for roads, railways, ports, &c., are only granted on such conditions as will maintain intact the authority of the State over these great undertakings of public interest.

ART. V. His Britannic Majesty's Government declare that they will use their influence in order that the French officials now in the Egyptian service may not be placed under conditions less advantageous than those applying to the British officials in the same service.

The Government of the French Republic, for their part, would make no objection to the application of analogous conditions to British officials now in the Moorish service.

ART. VI. In order to insure the free passage of the Suez Canal, His

Britannic Majesty's Government declare that they adhere to the stipulations of the Treaty of the 29th October, 1888, and that they agree to their being put in force. The free passage of the Canal being thus guaranteed, the execution of the last sentence of paragraph 1 as well as of paragraph 2 of Article VIII of that Treaty will remain in abeyance.

ART. VII. In order to secure the free passage of the Straits of Gibraltar, the two Governments agree not to permit the erection of any fortifications or strategic works on that portion of the coast of Morocco comprised between, but not including, Melilla and the heights which command the right bank of the River Sebou.

This condition does not, however, apply to the places at present in the occupation of Spain on the Moorish coast of the Mediterranean.

ART. VIII. The two Governments, inspired by their feeling of sincere friendship for Spain, take into special consideration the interests which that country derives from her geographical position and from her territorial possessions on the Moorish coast of the Mediterranean. In regard to these interests the French Government will come to an understanding with the Spanish Government.

The agreement which may be come to on the subject between France and Spain shall be communicated to His Britannic Majesty's Government.

ART. IX. The two Governments agree to afford to one another their diplomatic support, in order to obtain the execution of the clauses of the present Declaration regarding Egypt and Morocco.

In witness whereof his Excellency the Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty's Principal Secretary of State for Foreign Affairs, duly authorized for that purpose, have signed the present Declaration and have affixed thereto their seals.

Done at London, in duplicate, the 8th day of April, 1904.

[L.S.] LANSDOWNE.

[L.S.] PAUL CAMBON.

Translation of the Declaration Relative to the Adhesion of Spain to the Franco-English Declaration of April 8, 1904, Respecting the Maintenance of the Integrity of Morocco, signed at Paris, October 3, 1904.

Having reached an accord upon the rights and interests of Spain and France in relation to the Empire of Morocco the two Governments have agreed to establish the same by means of the following declaration:

The Government of His Majesty the King of Spain and the Government of the Republic of France, having agreed to define the extension of their rights and the guarantee of their interests, which result, for Spain, from her possessions on the coasts of Morocco, and for France, from her Algerian possessions, and the Government of His Majesty the King of Spain having, in consequence, given its adhesion to the Franco-English declaration of April 8, 1904, relative to Morocco and Egypt, which has been communicated to it by the Government of the French Republic, declare that they remain firmly attached to the integrity of the Empire of Morocco, under the sovereignty of the Sultan. In consequence thereof, the undersigned, His Excellency the Ambassador Extraordinary and Plenipotentiary of His Majesty the King of Spain accredited to the President of the Republic of France, and His Excellency the Minister of Foreign Affairs, duly authorized for this purpose, have executed the present declaration, to which they have placed their seals.

Done, in duplicate, at Paris, October 3, 1904.

[L.S.] LEÓN F. Y CASTILLO.

[L.S.] DELCASSÉ.

Convention signed at London, April 8, 1904.¹

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, having resolved to put an end, by a friendly arrangement, to the difficulties which have arisen in Newfoundland, have decided to conclude a convention to that effect, and have named as their respective plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honorable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's principal secretary of state for foreign affairs; and

The President of the French Republic, His Excellency Monsieur Paul Cambon, ambassador of the French Republic at the court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows, subject to the approval of their respective Parliaments:

¹United States: Foreign Relations, 1904, 329.

ARTICLE I. France renounces the privileges established to her advantage by Article XIII of the treaty of Utrecht, and confirmed or modified by subsequent provisions.

ART. II. France retains for her citizens, on a footing of equality with British subjects, the right of fishing in the territorial waters on that portion of the coast of Newfoundland comprised between Cape St. John and Cape Ray, passing by the north; this right shall be exercised during the usual fishing season closing for all persons on the 20th October of each year.

The French may therefore fish there for every kind of fish, including bait and also shellfish. They may enter any port or harbor on the said coast and may there obtain supplies or bait and shelter on the same conditions as the inhabitants of Newfoundland, but they will remain subject to the local regulations in force; they may also fish at the mouths of the rivers, but without going beyond a straight line drawn between the two extremities of the banks where the river enters the sea.

They shall not make use of stake nets or fixed engines without permission of the local authorities.

On the above-named portion of the coast, British subjects and French citizens shall be subject alike to the laws and regulations now in force, or which may hereafter be passed for the establishment of a close time in regard to any particular kind of fish, or for the improvement of the fisheries. Notice of any fresh laws or regulations shall be given to the Government of the French Republic three months before they come into operation.

The policing of the fishing on the above-mentioned portion of the coast, and for prevention of illicit liquor traffic and smuggling of spirits, shall form the subject of regulations drawn up in agreement by the two Governments.

ART. III. A pecuniary indemnity shall be awarded by His Britannic Majesty's Government to the French citizens engaged in fishing or the preparation of fish on the "treaty shore," who are obliged either to abandon the establishments they possess there, or to give up their occupation, in consequence of the modification introduced by the present convention into the existing state of affairs.

This indemnity can not be claimed by the parties interested unless they have been engaged in their business prior to the closing of the fishing season of 1903.

Claims for indemnity shall be submitted to an arbitral tribunal, composed of an officer of each nation, and, in the event of disagreement, of an umpire appointed in accordance with the procedure laid down by Article XXXII of The Hague convention. The details regulating the constitution of the tribunal and the conditions of the inquiries to be instituted for

the purpose of substantiating the claims shall form the subject of a special agreement between the two Governments.

ART. IV. His Britannic Majesty's Government, recognizing that, in addition to the indemnity referred to in the preceding article, some territorial compensation is due to France in return for the surrender of her privilege in that part of the island of Newfoundland referred to in Article II, agree with the Government of the French Republic to the provisions embodied in the following articles:

ART. V. The present frontier between Senegambia and the English Colony of the Gambia shall be modified so as to give to France Yarbutenda and the lands and landing places belonging to that locality.

In the event of the river not being open to maritime navigation up to that point, access shall be assured to the French Government at a point lower down on the river Gambia, which shall be recognized by mutual agreement as being accessible to merchant ships engaged in maritime navigation.

The conditions which shall govern transit on the river Gambia and its tributaries, as well as the method of access to the point that may be reserved to France in accordance with the preceding paragraph, shall form the subject of future agreement between the two Governments.

In any case, it is understood that these conditions shall be at least as favorable as those of the system instituted by application of the general act of the African conference of the 26th February, 1885, and of the Anglo-French convention of the 14th June, 1898, to the English portion of the basin of the Niger.

ART. VI. The group known as the Iles de Los, and situated opposite Konakry, is ceded by His Britannic Majesty to France.

ART. VII. Persons born in the territories ceded to France by articles V and VI of the present convention may retain British nationality by means of individual declaration to that effect, to be made before the proper authorities by themselves, or, in the case of children under age, by their parents or guardians.

The period within which the declaration of option referred to in the preceding paragraph must be made, shall be one year, dating from the day on which French authority shall be established over the territory in which the persons in question have been born.

Native laws and customs now existing will, as far as possible, remain undisturbed.

.In the Iles de Los, for a period of thirty years from the date of exchange of the ratifications of the present convention, British fishermen shall enjoy the same rights as French fishermen, with regard to anchorage in

all weathers, to taking in provisions and water, to making repairs, to trans-shipment of goods, to the sale of fish, and to the landing and drying of nets, provided always that they observe the conditions laid down in the French laws and regulations which may be in force there.

ART. VIII. To the east of the Niger the following line shall be substituted for the boundary fixed between the French and British possessions by the convention of the 14th June, 1898, subject to the modifications which may result from the stipulations introduced in the final paragraph of the present article.

Starting from the point on the left bank of the Niger laid down in Article III of the convention of the 14th of June, 1898, that is to say, the median line of the Dallul Mauri, the frontier shall be drawn along this median line until it meets the circumference of a circle drawn from the town of Sokoto as a centre, with a radius of 160,932 mètres (100 miles). Thence it shall follow the northern arc of this circle to a point situated 5 kilomètres south of the point of intersection of the above-mentioned arc of the circle with the route from Dosso to Matankari via Maourédé.

Thence it shall be drawn in a direct line to a point 20 kilomètres north of Konni (Birni-N'Kouni), and then in a direct line to a point 15 kilomètres south of Maradi, and thence shall be continued in a direct line to the point of intersection of the parallel of $13^{\circ} 20'$ north latitude with a meridian passing 70 miles to the east of the second intersection of the 14th degree of north latitude and the northern arc of the above-mentioned circle.

Thence the frontier shall follow in an easterly direction the parallel of $13^{\circ} 20'$ north latitude until it strikes the left bank of the river Komadugu Waubé (Komadougou Ouobé), the thalweg of which it will then follow to Lake Chad. But if, before meeting this river the frontier attains a distance of 5 kilomètres from the caravan route from Zinder to Yo, through Sua Kololua (Sua Kololoua) Adeber, and Kabi, the boundary shall then be traced at a distance of 5 kilomètres to the south of this route until it strikes the left bank of the river Komadugu Waubé (Komadougou Ouobé), it being nevertheless understood that, if the boundary thus drawn should happen to pass through a village, this village with its lands shall be assigned to the government to which would fall the larger portion of the village and its lands. The boundary will then, as before, follow the thalweg of the said river to Lake Chad.

Thence it will follow the degree of latitude passing through the thalweg of the mouth of the said river up to its intersection with the meridian running $35'$ east of the center of the town of Kouka, and will then follow

this meridian southwards until it intersects the southern shore of Lake Chad.

It is agreed, however, that, when the commissioners of the two governments at present engaged in delimiting the line laid down in Article IV of the convention of the 14th of June, 1898, return home and can be consulted, the two governments will be prepared to consider any modifications of the above frontier line which may seem desirable for the purpose of determining the line of demarcation with greater accuracy. In order to avoid the inconvenience to either party which might result from the adoption of a line deviating from recognized and well-established frontiers, it is agreed that in those portions of the projected line where the frontier is not determined by the trade routes, regard shall be had to the present political divisions of the territories so that the tribes belonging to the territories of Tessaoua-Maradi and Zinder shall, as far as possible, be left to France, and those belonging to the territories of the British zone shall, as far as possible, be left to Great Britain.

It is further agreed that on Lake Chad the frontier line shall, if necessary, be modified so as to assure to France a communication through open water at all seasons between her possessions on the northwest and those on the southeast of the lake, and a portion of the surface of the open waters of the lake at least proportionate to that assigned to her by the map forming annex 2 of the convention of the 14th June, 1898.

In that portion of the river Komadugu which is common to both parties the populations on the banks shall have equal rights of fishing.

ART. IX. The present convention shall be ratified, and the ratifications shall be exchanged, at London, within eight months, or earlier if possible.

In witness whereof his excellency the ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty's principal secretary of state for foreign affairs, duly authorized for that purpose, have signed the present convention and have affixed thereto their seals.

Done at London, in duplicate, the 8th day of April, 1904.

[L. S.]

LANSDOWNE.

[L. S.]

PAUL CAMBON.

• *Agreement between Great Britain and Japan, signed at London,
January 30, 1902.*¹

The Governments of Great Britain and Japan, actuated solely by a desire to maintain the *status quo* and general peace in the extreme East, being moreover specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows:

ARTICLE I. The high contracting parties having mutually recognized the independence of China and of Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested in a peculiar degree politically, as well as commercially and industrially, in Korea, the high contracting parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other power, or by disturbances arising in China or Korea, and necessitating the intervention of either of the high contracting parties for the protection of the lives and property of its subjects.

ART. II. If either Great Britain or Japan, in the defense of their respective interests as above described, should become involved in war with another power, the other high contracting party will maintain a strict neutrality, and use its efforts to prevent other powers from joining in hostilities against its ally.

ART. III. If in the above event any other power or powers should join in hostilities against that ally, the other high contracting party will come to its assistance and will conduct the war in common, and make peace in mutual agreement with it.

ART. IV. The high contracting parties agree that neither of them will, without consulting the other, enter into separate arrangements with another power to the prejudice of the interests above described.

ART. V. Whenever, in the opinion of either Great Britain or Japan, the above-mentioned interests are in jeopardy, the two Governments will communicate with one another fully and frankly.

ART. VI. The present agreement shall come into effect immediately after the date of its signature, and remain in force for five years from that date.

¹ United States: Foreign Relations, 1902, p. 514.

In case neither of the high contracting parties should have notified twelve months before the expiration of the said five years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto*, continue until peace is concluded.

In faith whereof the undersigned, duly authorized by their respective Governments, have signed this agreement, and have affixed thereto their seals.

Done in duplicate at London the 30th January, 1902.

[L. S.] LANSDOWNE,
*His Britannic Majesty's Principal Secretary of
State for Foreign Affairs.*

[L. S.] HAYASHI,
*Envoy Extraordinary and Minister Plenipotentiary
of His Majesty the Emperor of Japan at the
Court of St. James.*

*Agreement between the United Kingdom and Japan, signed at London,
August 12, 1905.¹*

PREAMBLE.

The Governments of Great Britain and Japan, being desirous of replacing the agreement concluded between them on the 30th of January, 1902, by fresh stipulations, have agreed upon the following articles, which have for their object—

(a) The consolidation and maintenance of the general peace in the regions of eastern Asia and of India.

(b) The preservation of the common interests of all powers in China, by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China.

(c) The maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India, and the defense of their special interests in the said regions.

ARTICLE I. It is agreed that whenever in the opinion of either Great Britain or Japan any of the rights and interests referred to in the

¹United States: Foreign Relations, 1905, p. 488.

preamble of this agreement are in jeopardy, the two governments will communicate with one another fully and frankly and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ART. II. If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any other power or powers either contracting party should be involved in war in defense of its territorial rights or special interests mentioned in the preamble of this agreement, the other contracting party will at once come to the assistance of its ally and will conduct the war in common and make peace in mutual agreement with it.

ART. III. Japan possessing paramount political, military, and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures of guidance, control, and protection in Korea as she may deem proper and necessary to safeguard and advance those interests, provided always that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

ART. IV. Great Britain having a special interest in all that concerns the security of the Indian frontier, Japan recognizes her right to take such measures in the proximity of that frontier as she may find necessary for safeguarding her Indian possessions.

ART. V. The high contracting parties agree that neither of them will without consulting the other enter into separate arrangements with another power to the prejudice of the objects described in the preamble of this agreement.

ART. VI. As regards the present war between Japan and Russia, Great Britain will continue to maintain strict neutrality unless some other power or powers should join in hostilities against Japan, in which case Great Britain will come to the assistance of Japan and will conduct the war in common and make peace in mutual agreement with Japan.

ART. VII. The conditions under which armed resistance shall be afforded by either power to the other in the circumstances mentioned in the present agreement, and the means by which such assistance is to be made available, will be arranged by the naval and military authorities of the contracting parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ART. VIII. The present agreement shall, subject to the provisions of Article VI, come into effect immediately after the date of its signature and remain in force for ten years from that date.

In case neither of the high contracting parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the high contracting parties shall have denounced it. But if when the date fixed for its expiration arrives either ally is actually engaged in war the alliance shall *ipso facto* continue until peace is concluded.

In faith whereof the undersigned, duly authorized by their respective governments, have signed this agreement and have affixed thereto their seals.

Done in duplicate at London, the 12th day of August, 1905.

[L. S.] LANSDOWNE,
*His Britannic Majesty's Principal Secretary
of State for Foreign Affairs.*

[L. S.] TADASU HAYASHI,
*Envoy Extraordinary and Minister Plenipo-
tentiary of His Majesty the Emperor of
Japan at the Court of St. James.*

The Peace of Portsmouth, September 5, 1905.¹

His Majesty, the Emperor of all the Russias, on the one hand, and His Majesty, the Emperor of Japan, on the other hand, being animated by the desire to restore the benefits of peace for their countries and their peoples, have decided to conclude a treaty of peace and have appointed for this purpose their plenipotentiaries, to wit:

His Majesty the Emperor of Russia—

His Excellency, Mr. Sergius Witte, his secretary of state and president of the committee of ministers of the Empire of Russia, and

His Excellency, Baron Roman Rosen, master of the Imperial Court of Russia and his ambassador extraordinary and plenipotentiary to the United States of America;

And His Majesty, the Emperor of Japan—

His Excellency, Baron Komura Iutaro, Iusammi, knight of the Imperial Order of the Rising Sun, his minister of foreign affairs, and

His Excellency, Mr. Takahira Kogoro, Iusammi, knight of the Imperial Order of the Sacred Treasure, his envoy extraordinary and minister plenipotentiary to the United States of America;

Who, after having exchanged their full powers, found in good and due form, concluded the following articles:

¹United States: Foreign Relations, 1905, p. 824.

ARTICLE I. There shall be in the future peace and friendship between Their Majesties the Emperor of all the Russias and the Emperor of Japan, as well as between their respective nations and subjects.

ART. II. The Imperial Government of Russia, recognizing that Japan has predominant political, military, and economic interests in Korea, agrees not to interfere or place obstacles in the way of any measure of direction, protection, and supervision which the Imperial Government of Japan may deem necessary to adopt in Korea.

It is agreed that Russian subjects in Korea shall be treated in exactly the same manner as the citizens of other foreign countries; that is, that they shall be placed on the same footing as the citizens of the most-favored nation.

It is likewise agreed that, in order to avoid any cause of misunderstanding, the two high contracting parties shall refrain from adopting, on the Russo-Korean frontier, any military measures which might menace the security of the Russian or Korean territory.

ART. III. Russia and Japan mutually engage:

1. To completely and simultaneously evacuate Manchuria, with the exception of the territory over which the lease of the peninsula of Liao-tung extends, in accordance with the provisions of additional Article I annexed to this treaty, and

2. To entirely and completely restore to the exclusive administration of China all parts of Manchuria now occupied by Russian and Japanese troops, or which are under their control, with the exception of the above-mentioned territory.

The Imperial Government of Russia declares that it has no territorial advantages or preferential or exclusive concessions in Manchuria of such a nature as to impair the sovereignty of China or which are incompatible with the principle of equal opportunity.

ART. IV. Russia and Japan mutually pledge themselves not to place any obstacle in the way of general measures which apply equally to all nations and which China might adopt for the development of commerce and industry in Manchuria.

ART. V. The Imperial Government of Russia cedes to the Imperial Government of Japan, with the consent of the Government of China, the lease of Port Arthur, of Talien, and of the adjacent territories and territorial waters, as well as the rights, privileges, and concessions connected with this lease or forming part thereof, and it likewise cedes to the Imperial Government of Japan all the public works and property within the territory over which the above-mentioned lease extends.

The high contracting parties mutually engage to obtain from the Government of China the consent mentioned in the foregoing clause.

- The Imperial Government of Japan gives on its part the assurance that
- the property rights of Russian subjects within the above-mentioned territory shall be absolutely respected.

ART. VI. The Imperial Government of Russia obligates itself to yield to the Imperial Government of Japan, without compensation and with the consent of the Chinese Government, the Chan-chun (Kwan-Chien-Tsi) and Port Arthur Railroad and all its branches, with all the rights, privileges, and property thereunto belonging within this region, as well as all the coal mines in said region belonging to this railroad or being operated for its benefit.

The two high contracting parties mutually pledge themselves to obtain from the Chinese Government the consent mentioned in the foregoing clause.

ART. VII. Russia and Japan agree to operate their respective railroads in Manchuria for commercial and industrial purposes exclusively, but by no means for strategic purposes.

It is agreed that this restriction does not apply to the railroads within the territory covered by the lease of the Liao-tung peninsula.

ART. VIII. The Imperial Governments of Russia and Japan, with a view to favoring and facilitating relations and traffic, shall conclude, as soon as possible, a separate convention to govern their operations of repair on the railroads in Manchuria.

ART. IX. The Imperial Government of Russia cedes to the Imperial Government of Japan, in perpetuity and full sovereignty, the southern part of the island of Saghalin, and all the islands adjacent thereto, as well as all the public works and property there situated. The fiftieth parallel of north latitude is adopted as the limit of the ceded territory. The exact boundary line of this territory shall be determined in accordance with the provisions of additional Article II annexed to this treaty.

Japan and Russia mutually agree not to construct within their respective possessions on the island of Saghalin, and the islands adjacent thereto, any fortification or similar military work. They likewise mutually agree not to adopt any military measures which might hinder the free navigation of the Straits of La Perouse and Tartary.

ART. X. The right is reserved to Russian subjects inhabiting the territory ceded to Japan to sell their real property and return to their country; however, if they prefer to remain in the ceded territory, they shall be guarded and protected in the full enjoyment of their property rights and the exercise of their industries provided they submit to the laws and jurisdiction of Japan. Japan shall have perfect liberty to withdraw the right of residence in this territory from all inhabitants laboring

under political or administrative incapacity, or to deport them from this territory. . It pledges itself, however, to fully respect the property rights of these inhabitants.

ART. XI. Russia obligates itself to reach an understanding with Japan in order to grant to Japanese subjects fishing rights along the coast of the Russian possessions in the Seas of Japan, Okhotsk, and Bering.

It is agreed that the above-mentioned obligation shall not impair the rights already belonging to Russian or foreign subjects in these regions.

ART. XII. The treaty of commerce and navigation between Russia and Japan having been annulled by the war, the Imperial Governments of Russia and Japan agree to adopt as a basis for their commercial relations, until the conclusion of a new treaty of commerce and navigation on the basis of the treaty in force before the present war, the system of reciprocity on the principle of the most favored nation, including import and export tariffs, custom-house formalities, transit and tonnage dues, and the admission and treatment of the agents, subjects, and vessels of one country in the territory of the other.

ART. XIII. As soon as possible after the present treaty takes effect, all prisoners of war shall be mutually returned. The Imperial Governments of Russia and Japan shall each appoint a special commissioner to take charge of the prisoners. All prisoners in the custody of one of the governments shall be delivered to the commissioner of the other government or to his duly authorized representative, who shall receive them in such number and in such suitable ports of the surrendering nation as the latter shall notify in advance to the commissioner of the receiving nation.

The Governments of Russia and Japan shall present to each other, as soon as possible after the delivery of the prisoners has been completed, a verified account of the direct expenditures made by them respectively for the care and maintenance of the prisoners from the date of capture or surrender until the date of their death or return. Russia agrees to refund to Japan, as soon as possible after the exchange of these accounts, as above stipulated, the difference between the actual amount thus spent by Japan and the actual amount likewise expended by Russia.

ART. XIV. The present treaty shall be ratified by Their Majesties, the Emperor of all the Russias and the Emperor of Japan. This ratification shall, within the shortest possible time and at all events not later than fifty days from the date of the signature of the treaty, be notified to the Imperial Governments of Russia and Japan, respectively, through the ambassador of the United States of America at St. Petersburg and

the minister of France at Tokyo, and from and after the date of the last of these notifications this treaty shall enter into full force in all its parts.

The formal exchange of the ratifications shall take place at Washington as soon as possible.

ART. XV. The present treaty shall be signed in duplicate, in the French and English languages. The two texts are absolutely alike; however, in case of difference of interpretation the French text shall prevail.

In witness whereof the respective plenipotentiaries have signed the present treaty of peace and affixed thereto their seals.

Done at Portsmouth, New Hampshire, the twenty-third day of August [fifth of September] of the year one thousand nine hundred and five, corresponding to the fifth day of the ninth month of the thirty-eighth year of Meiji.

IUTARO KOMURA.	[L. s.]
K. TAKAHIRA.	[L. s.]
SERGIUS WITTE.	[L. s.]
ROSEN.	[L. s.]

In conformity with the provisions of Articles II and IX of the treaty of peace between Russia and Japan under this date, the undersigned plenipotentiaries, have concluded the following additional articles:

I. To Article III:

The Imperial Governments of Russia and Japan mutually agree to begin the withdrawal of their military forces from the territory of Manchuria simultaneously and immediately after the entrance into force of the treaty of peace; and within a period of eighteen months from this date the armies of the two powers shall be entirely withdrawn from Manchuria, with the exception of the leased territory of the peninsula of Liao-tung.

The forces of the two powers occupying advanced positions shall be withdrawn first.

The high contracting parties reserve the right to maintain guards for the protection of their respective railroad lines in Manchuria.

The number of these guards shall not exceed 15 men per kilometer, and within the limit of this maximum number the commanders of the Russian and Japanese armies shall, by mutual agreement, fix the number of guards who are to be employed, this number being as low as possible and in accordance with actual requirements. The commanders of the Russian and Japanese forces in Manchuria shall reach an understanding regarding all the details connected with the evacuation, in conformity with the principles herein above set forth, and shall, by mutual agree-

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ment, adopt the measures necessary to carry out the evacuation as soon as possible and at all events within a period not exceeding eighteen months.

II. To Article IX:

As soon as possible after the present treaty takes effect, a boundary commission composed of an equal number of members appointed respectively by the two high contracting parties shall mark on the spot and in a permanent manner the exact line between the Russian and Japanese possessions on the island of Saghalin. The commission shall be obliged, as far as topographical conditions permit, to follow the 50th parallel of north latitude for the line of demarcation, and in case any deviations from this line are found necessary at certain points compensation shall be made therefor by making corresponding deviations at other points. It shall also be the duty of said commission to prepare a list and description of the adjacent islands which are comprised within the cession, and finally the commission shall prepare and sign maps showing the boundaries of the ceded territory. The labors of the commission shall be submitted to the approval of the high contracting parties.

The additional articles mentioned hereinabove shall be considered as being ratified by the ratification of the treaty of peace, to which they are annexed.

Portsmouth, August 23 [September 5], 1905, corresponding to the 5th day, 9th month, and 38th year of Meiji.

IUTARO KOMURA.
K. TAKAHIRA.
SERGIUS WITTE.
ROSEN.

An Act of Newfoundland respecting Foreign Fishing Vessels.

(Passed June 15, 1905).

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. Any Justice of the Peace, Sub-collector, Preventive Officer, Fishery Warden or Constable, may go on board any foreign fishing vessel being within any port on the coasts of this Island, or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbours in this Island, and may bring such foreign fishing vessel into port, may search her cargo and may examine the master upon oath touching the cargo and voyage; and the master or person in command

shall answer truly such questions as shall be put to him under a penalty not exceeding five hundred dollars. And if such foreign fishing vessel has on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery, purchased within any port on the coasts of this Island or within the distance of three marine miles from any of the coasts, bays, creeks, or harbours of this Island, or if the master of the said vessel shall have engaged, or attempted to engage, any person to form part of the crew of the said vessel in any port or on any part of the coasts of this Island, or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited.

2. All goods and vessels, and the tackle, rigging, apparel, furniture, stores and cargo thereof, liable to forfeiture under this Act, may be seized and secured by any officer or person mentioned in the first section hereof, and every person opposing any such officer or person in the execution of his duty under this Act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanour and liable to a fine of five hundred dollars.

3. In any prosecution under this Act, the presence on board any foreign fishing vessel in any port of this Island, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfit or supplies for the fishery, shall be *prima facie* evidence of the purchase of the said bait fishes and supplies and outfits within such port or waters.

4. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered and made in a summary manner before a Stipendiary Magistrate, and any vessel, and the tackle, rigging, apparel, furniture, stores and cargo thereof liable to forfeiture under the provisions of this Act, may be sued for, prosecuted, recovered and condemned in a summary manner before a Stipendiary Magistrate in a proceeding against the master or other person in charge of such vessel. For the purposes of this Act, all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony.

5. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of His Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal, and of the cause and matter thereof, be given to the con-

victing Magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting Magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court may award.

6. No proceeding or conviction by, nor order of, any Magistrate or other officer under this Act, shall be quashed or set aside for any informality; provided the same shall be substantially in accordance with the intent and meaning of this Act.

7. Nothing in this Act shall affect the rights and privileges granted by Treaty to the subjects of any State in amity with His Majesty.

8. The Governor in Council may at any time, by proclamation, suspend the operation of this Act for such period as may be expedient and as shall be declared in such proclamation.

9. In this Act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt or launch, whether propelled by sails, oars or steam.

10. The Act 56 Vic., cap. 6, entitled "An Act respecting Foreign Fishing Vessels," is hereby repealed.

An Act of Newfoundland respecting Foreign Fishing Vessels.

(Passed 10th May, 1906.)

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. Any Justice of the Peace, Sub-Collector, Preventive Officer, Fishery Warden or Constable, may go on board any foreign fishing vessel being within any port on the coasts of this Colony, or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbours in this Colony, and may bring such foreign fishing vessel into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage, and the master or person in command shall answer truly such questions as shall be put to him, under a penalty not exceeding five hundred dollars.

2. If any foreign fishing vessel be found within any port on the coasts of this Colony, or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbours in this Colony, and

- having on board any herring, caplin, squid, or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery, purchased within any port on the coasts of this Colony or within the distance of three marine miles from any of the coasts, bays, creeks, or harbours of this Colony; or if the master, owner or agent of the said vessel shall have engaged, or attempted to engage, any person to form part of the crew of the said vessel in any port, or on any part of the coasts of this Colony, or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, the master, owner or agent shall be liable to a penalty not exceeding one hundred dollars, or such vessel and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited, as the magistrate before whom the proceeding is taken shall determine.

3. All goods and vessels, and the tackle, rigging, apparel, furniture, stores and cargo thereof, liable to forfeiture under this Act, may be seized and secured by any officer or person mentioned in the first section hereof, and every person opposing any such officer or person in the execution of his duty under this Act, or aiding or abetting any other person in such opposition, shall be deemed guilty of a misdemeanor and liable to a fine of five hundred dollars.

4. In any prosecution under this Act, the presence on board any foreign fishing vessel in any port of this Colony, or within British waters aforesaid, of any caplin, squid, or other bait fishes, of ice, lines, seines, or other outfit or supplies for the fishery, shall be *prima facie* evidence of the purchase of the said bait fishes and supplies and outfits within such port or waters.

5. No alien, not so entitled by treaty or convention for the time being in force, shall fish in the waters of this Colony; and the master, owner, or agent of any fishing vessel who permits any alien not so entitled to fish in, from, or for such vessel, shall be liable to a penalty not exceeding one hundred dollars, or to the forfeiture of such vessel, as the magistrate shall determine.

6. No person, being a British subject, shall fish in, from, or for a foreign fishing vessel in the waters of this Colony, and the master, owner, or agent of any foreign fishing vessel who permits any such British subject to fish in, for, or from such vessel, shall be liable to a penalty not exceeding one hundred dollars, or to the forfeiture of such vessel, as the magistrate shall determine.

7. No person, being a resident of this Colony, shall leave this Colony for the purpose of engaging in foreign fishing vessels which are fishing or intending to fish in the waters of this Colony, under a penalty not exceeding one hundred dollars.

8. No person, being a resident of this Colony, shall sell, let, hire, lend or remove from this Colony, for the purpose of selling, letting, hiring, or lending to a master, owner, or agent of any foreign fishing vessel any boats, nets, or gear, under a penalty not exceeding one hundred dollars; nor shall the master, owner or agent of any foreign fishing vessel buy, hire, or borrow, in any port or place in this Colony, or in the waters of this Colony, any boats, nets, or fishing gear, from any person resident in this Colony, under a penalty for each offence not exceeding one hundred dollars.

9. The master of any vessel who conveys any person resident in the Colony outside the waters of this Colony, for the purpose of enabling such person to be engaged on board any foreign fishing vessel, shall be liable to a penalty not exceeding one hundred dollars.

10. All offenders against the provisions of this Act may be prosecuted and convicted, and all fines, forfeitures, penalties, and other punishments imposed, recovered and made in a summary manner before a Stipendiary Magistrate; and any vessel, and the tackle, rigging, apparel, furniture, stores and cargo thereof, liable to forfeiture under the provisions of this Act, may be sued for, prosecuted, recovered and condemned in a summary manner before a Stipendiary Magistrate in a proceeding against the master or other person in charge of such vessel. For the purposes of this Act all Stipendiary Magistrates shall be deemed to be Stipendiary Magistrates for the Colony, and may exercise the jurisdiction given by this Act in any part of the Colony.

11. If any person convicted under this Act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of His Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's: Provided notice of such appeal, and of the cause and matter thereof, be given to the convicting magistrate in writing within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance, with two approved sureties, before the convicting magistrate, conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon, and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the Court may award.

12. No proceeding or conviction by, nor order of, any Magistrate or other officer under this Act shall be quashed or set aside for any inform-

- I am glad to assure Your Excellency that the note in question will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of the United States Government.

His Majesty's Government fully share the desire of your Government that the provisions of the *modus vivendi* should be made effective at the earliest moment possible and the necessary instructions for its observance were accordingly sent to the Government of Newfoundland immediately on receipt of Your Excellency's communication.

I have the honour to be, with the highest Consideration,

Your Excellency's most obedient, humble Servant,

(In the absence of the Secretary of State)

E. GORST.

His Excellency the Honourable WHITELAW REID,

Etc. Etc. Etc.

MEMORANDUM.

My Government hears with the greatest concern and regret that in the opinion of His Majesty's Government there is so wide a divergence of views with regard to the Newfoundland Fisheries that an immediate settlement is hopeless.

But it is much gratified with His Majesty's Government's desire to reach a *modus vivendi* for this season, and appreciates the readiness to waive the Foreign Fishing Vessels Act of 1906. This and other restrictive legislation had compelled our fishermen to use purse seines or abandon their treaty rights.

My Government sees in the offer not to apply Section 3, Act of 1905 and that part of Section 1 relating to boarding fishing vessels and bringing them into port fresh proof of a cordial disposition not to press unduly this kind of regulation.

Our fishermen will also gladly pay light dues, if not hindered in their right to fish. They are not unwilling either, to comply with the regulation to report at Custom Houses, when possible. It is sometimes physically impossible, however, to break through the ice for that purpose.

Most unfortunately the remaining proposals, those as to purse-seining and Sunday fishing, present very grave difficulties.

We appreciate perfectly the desire of His Majesty's Government to prevent Sunday fishing. But if both this and purse-seine fishing are taken away, as things stand there might be no opportunity for profitable fishing left under our treaty rights. We are convinced that purse seines are no more injurious to the common fishery than the gill nets commonly

used—are not in fact so destructive and do not tend to change the migratory course of the herring as gill nets do, through the death of a large percentage of the catch and consequent pollution of the water.

The small amount of purse-seining this season could not of course materially affect the common fishery anyway. Besides many of our fishermen have already sailed, with purse seines as usual, and the others are already provided with them. This use of the purse seine was not the free choice of our fishermen. They have been driven to it by local regulations and the continued use of it at this late date this year seems vital.

But we will renounce Sunday fishing for this season if His Majesty's Government will consent to the use of purse seines, and we cannot too strongly urge an acceptance of this solution.

AMERICAN EMBASSY, LONDON.

September, 12, 1906.

(32335)

MEMORANDUM.

His Majesty's Government have considered, after consultation with the Government of Newfoundland, the proposals put forward in the Memorandum communicated by the United States Ambassador on the 12th instant, respecting the suggested "modus vivendi" in regard to the Newfoundland Fishery question.

They are glad to be able to state that they accept the arrangement set out in the above Memorandum and consent accordingly to the use of purse seines by United States fishermen during the ensuing season, subject, of course, to due regard being paid, in the use of such implements, to other modes of fishery.

His Majesty's Government trust that the United States Government will raise no objection to such a stipulation, which is only intended to secure that there shall be the same spirit of give and take and of respect of common rights between the users of purse seines and the users of stationary nets as would be expected to exist if both sets of fishermen employed the same gear.

They further hope that, in view of this temporary authorization of the purse seines, the United States Government will see their way to arranging that the practice of engaging Newfoundland fishermen just outside the three mile limit which to some extent prevailed last year should not be resorted to this year.

An arrangement to this effect would save both His Majesty's Government and the Newfoundland Government from embarrassment which

it is conceived, having regard to the circumstances in which the "modus vivendi" is being settled, the United States Government would not willingly impose upon them. Moreover it is not in itself unreasonable, seeing that the unwillingness of the United States Government to forego the use of purse seines appears to be largely based upon the inability of their fishermen to engage local men to work the form of net recognized by the Colonial fishery regulations.

The United States Government assured His Majesty's late Government in November last that they would not countenance a specified evasion of the Newfoundland Foreign Fishing Vessels Act 1905, and the proposed arrangement would appear to be in accordance with the spirit which prompted that assurance.

FOREIGN OFFICE,
September 25, 1906.

An Act to Establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States. Approved June 29, 1906.

[Stat. 1905-6, Part I, p. 596.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the designation of the Bureau of Immigration in the Department of Commerce and Labor is hereby changed to the "Bureau of Immigration and Naturalization," which said Bureau, under the direction and control of the Secretary of Commerce and Labor, in addition to the duties now provided by law, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the said Bureau to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this Act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.

SEC. 2. That the Secretary of Commerce and Labor shall provide the said Bureau with such additional furnished offices within the city of

Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this Act upon such Bureau, fixing the compensation of such additional employees until July first, nineteen hundred and seven, within the appropriations made for that purpose.

SEC. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau.

SEC. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: *Provided, however,* That no alien who, in conformity with the law in force at the date of his declara-

tion, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before the passage of this Act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or district in which the application is made for a period of at least one year immediately

preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this Act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the

other provisions of this Act, be naturalized without making any declaration of intention.

SEC. 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses cannot be produced upon the final hearing other witnesses may be summoned.

SEC. 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: *Provided*, That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

SEC. 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

SEC. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, That the requirements of this section shall not apply to any alien who has prior

to the passage of this Act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, That the requirements of section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

SEC. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

SEC. 10. That in case the petitioner has not resided in the State, Territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside.

SEC. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

SEC. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this Act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and

every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

SEC. 13. That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year,

and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: *Provided*, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this Act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon the clerks of courts from fees received by such clerks in naturalization proceedings. And in case the clerk of any court collects fees in excess of the sum of six thousand dollars in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance.

SEC. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate.

SEC. 15. That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause

therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this Act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of counter-vailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of

citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this Act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

SEC. 16. That every person who falsely makes, forges, counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or knowingly aids or assists in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person or persons, shall be guilty of a felony, and a person convicted of such offence shall be punished by imprisonment for not more than ten years, or by a fine of not more than ten thousand dollars, or by both such fine and imprisonment.

SEC. 17. That every person who engraves or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor, or other proper officer, and any person who has in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use such plate or suffer the same to be used in forging or counterfeiting any such certificate or any part thereof; and every person who prints, photographs, or in any other manner causes to be printed, photographed, made or executed, any print or impression in the likeness of any such certificate, or any part thereof, or who sells any such certificate, or brings the same into the United States from any foreign place, except by direction of some proper officer of the United States, or who has in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent to unlawfully use the same, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment at hard labor for not more than ten years, or by both such fine and imprisonment.

SEC. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this Act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprison-

ment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court.

SEC. 19. That every person who without lawful excuse is possessed of any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization, with intent unlawfully to use the same, shall be imprisoned at hard labor not more than five years or be fined not more than one thousand dollars.

SEC. 20. That any clerk or other officer of a court having power under this Act to naturalize aliens, who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both.

SEC. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings, or to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

SEC. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this Act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this Act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years.

SEC. 23. That any person who knowingly procures naturalization in violation of the provisions of this Act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such

person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years or both.

SEC. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this Act unless the indictment is found or the information is filed within five years next after the commission of such crime.

SEC. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this Act shall go into effect, the existing naturalization laws shall remain in full force and effect.

SEC. 26. That sections twenty-one hundred and sixty-five, twenty-one hundred and sixty-seven, twenty-one hundred and sixty-eight, twenty-one hundred and seventy-three, of the Revised Statutes of the United States of America, and section thirty-nine of chapter one thousand and twelve of the Statutes at Large of the United States of America for the year nineteen hundred and three, and all Acts or parts of Acts inconsistent with or repugnant to the provisions of this Act are hereby repealed.

SEC. 27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

....., ss:

I,, aged years, occupation, do declare on oath (affirm) that my personal description is: Color, complexion, height, weight, color of hair, color of eyes, other visible distinctive marks; I was born in on the day of, anno Domini; I now reside at; I emigrated to the United States of America from on the vessel; my last foreign residence was It is my bona fide intention to renounce forever all allegiance and

fidelity to any foreign prince, potentate, state, or sovereignty; and particularly to, of which I am now a citizen (subject); I arrived at the (port) of, in the State (Territory or District) of on or about the day of anno Domini; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant)

Subscribed and sworn to (affirmed) before me this day of , anno Domini

[L. s.]

(Official character of attestor.)

PETITION FOR NATURALIZATION.

. Court of

In the matter of the petition of to be admitted as a citizen of the United States of America.

To the Court:

The petition of respectfully shows:

First. My full name is

Second. My place of residence is number street, city of, State (Territory or District) of

Third. My occupation is

Fourth. I was born on the day of at

Fifth. I emigrated to the United States from, on or about the day of, anno Domini, and arrived at the port of, in the United States, on the vessel

Sixth. I declared my intention to become a citizen of the United States on the day of at, in the court of

Seventh. I am married. My wife's name is She was born in and now resides at I have children, and the name, date, and place of birth and place of residence of each of said children is as follows:;;;

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to

the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since, anno Domini, and in the State (Territory or District) of for one year at least next preceding the date of this petition, to wit, since day of, anno Domini

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the court of at, and the said petition was denied by the said court for the following reasons and causes, to wit,, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated

(Signature of petitioner)

., ss:

., being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this day of, anno Domini

[L. s.]

.,
Clerk of the Court.

AFFIDAVIT OF WITNESSES.

.....Court of

In the matter of the petition of to be admitted a citizen
of the United States of America.

....., ss:

....., occupation, residing at, and.....
....., occupation, residing at, each being severally,
duly, and respectively sworn, deposes and says that he is a citizen of
the United States of America; that he has personally known
....., the above petitioner above mentioned, to be a resident of the
United States for a period of at least five years continuously immediately
preceding the date of filing his petition, and of the State (Territory or
District) in which the above-entitled application is made for a period
of years immediately preceding the date of filing his petition;
and that he has personal knowledge that the said petitioner is a person
of good moral character, attached to the principles of the Constitution
of the United States, and that he is in every way qualified, in his opin-
ion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this day of, nine-
teen hundred and

[L. s.]

.....,
(Official character of attestor).

CERTIFICATE OF NATURALIZATION.

Number

Petition, volume, page

Stub, volume, page

(Signature of holder)

Description of holder: Age,; height,; color,;
complexion,; color of eyes,; color of hair,; visi-
ble distinguishing marks, Name, age, and place of residence
of wife,,, Names, ages, and places of residence
of minor children,,,,,,

....., ss.:

Be it remembered, that at a term of the court of,
held at on the day of, in the year of our Lord
nineteen hundred and,, who previous to his (her) natural-
ization was a citizen or subject of, at present residing at number

seven; and the provisions of section thirty-six hundred and seventy-nine of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

SEC. 30. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

SEC. 31. That this Act shall take effect and be in force from and after ninety days from the date of its passage: *Provided*, That sections one, two, twenty-eight, and twenty-nine shall go into effect from and after the passage of this Act.

Approved, June 29, 1906.

General Act of the International Conference of Algeciras, signed April 7, 1906.

[TRANSLATION.]

"In the Name of Almighty God."

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, etc.; His Majesty the King of Italy; His Majesty the Sultan of Morocco; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, etc., etc., etc.; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden:

Inspired by the interest attaching itself to the reign of order, peace, and prosperity in Morocco, and recognizing that the attainment thereof can only be effected by means of the introduction of reforms based upon the triple principle of the sovereignty and independence of His Majesty the Sultan, the integrity of his domains, and economic liberty without

any inequality, have resolved, upon the invitation of His Shereefian Majesty, to call together a conference at Algeciras for the purpose of arriving at an understanding upon the said reforms, as well as examining the means for obtaining the resources necessary for their application, and have appointed as their delegates plenipotentiary the following:

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire:

Mr. Joseph de Radowitz, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Christian, Count of Tattenbach, His Envoy Extraordinary and Minister Plenipotentiary to His Very Faithful Majesty.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

Rudolph, Count of Welsersheimb, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Leopold, Count Bolesta-Koziebrodzki, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the King of the Belgians:

Maurice, Baron Joostens, His Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty, and

Conrad, Count of Buisseret Steenbecque de Blarenghem, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the King of Spain:

Don Juan Manuel Sanchez y Gutiérrez de Castro, Duke of Almodóvar del Río, His Minister of State, and

Don Juan Pérez-Caballero y Ferrer, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians.

The President of the United States of America:

Mr. Henry White, Ambassador Extraordinary and Plenipotentiary of the United States of America to His Majesty the King of Italy, and

Mr. Samuel R. Gummeré, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Morocco.

The President of the French Republic:

Mr. Paul Révoil, Ambassador Extraordinary and Plenipotentiary of the French Republic to the Swiss Confederation, and

Mr. Eugène Regnault, Minister Plenipotentiary.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India:

Sir Arthur Nicolson, His Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of All the Russias.

His Majesty the King of Italy:

Emile, Marquis Visconti Venosta, Knight of the Order of the Very Holy Annunciation, and

Mr. Giulio Malmusi, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the Sultan of Morocco:

El Hadj Mohammed Ben-el Arbi Ettorrés, His Delegate at Tangier and Ambassador Extraordinary,

El Hadj Mohammed Ben Abdesselam El Mokri, His Minister of Expenses,

El Hadj Mohammed Es-Seffar, and Sid Abderrhaman Bennis.

Her Majesty the Queen of the Netherlands:

Jonkheer Hannibal Testa, Her Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty.

His Majesty the King of Portugal and of the Algarves, etc., etc., etc.:

Anthony, Count of Tovar, His Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty, and

Francis Robert, Count of Martens Ferrao, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the Emperor of All the Russias:

Arthur, Count Cassini, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Mr. Basile de Bacheracht, His Minister to Morocco.

His Majesty the King of Sweden:

Mr. Robert Sager, His Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty and His Very Faithful Majesty.

Who, furnished with full powers, which were found in good and due form have, in conformity with the programme upon which His Shereefian Majesty and the powers have agreed, successively discussed and adopted:

I. A declaration relative to the organization of the police.

II. A regulation concerning the detection and repression of the contraband of arms.

III. An act of concession for a Moroccan State Bank.

IV. A declaration concerning a better return of taxes, and the creation of new revenues.

V. A regulation concerning the customs of the Empire and the repression of fraud and smuggling.

VI. A declaration relative to public services and public works.

And having decided that these different documents might usefully be coordinated in a single instrument, they have united them in a general act composed of the following articles:

CHAPTER I.

Declaration relative to the organization of the police.

ARTICLE 1. The conference summoned by His Majesty the Sultan to pronounce on the measures necessary to organize the police declares that the following provisions should be made:

ART. 2. The police shall be under the sovereign authority of His Majesty the Sultan. It shall be recruited by the Maghzen from Moorish Mohammedans, commanded by Moorish Kaids, and distributed in the eight ports open to commerce.

ART. 3. In order to aid the Sultan in the organization of this police, Spanish officers and noncommissioned officers as instructors, and French officers and noncommissioned officers as instructors, shall be placed at His disposal by their respective Governments, which shall submit their designation to the approval of His Shereefian Majesty. A contract drawn between the Maghzen and these instructors, in conformity to the regulation provided by article 4, shall determine the conditions of their engagement and fix their pay, which must not be less than double of the pay corresponding to the rank of each officer or noncommissioned officer. In addition they will be allowed living expenses, varying according to their residences. Proper lodgings will be placed at their disposal by the Maghzen, which will likewise supply them with their horses and the necessary fodder.

The Governments having jurisdiction over the instructors reserve the right to recall them and replace them by others, accepted and engaged under the same conditions.

ART. 4. These officers and noncommissioned officers for a period of five years, to date from the ratification of the act of the conference, shall give their service to the organization of a body of Shereefian police. They shall assure instruction and discipline in conformity with the regulations to be drawn up in respect thereto. They shall also see that the men enlisted are fit for military service. In a general way they shall supervise the administration of the soldiers and superintend the payment of their salary which shall be effected by the "Amin," assisted by the accounting officer instructor. They shall extend to the Moorish authorities invested with the command of these bodies their technical aid in the exercise of the said command.

The regulations to assure the recruitment, discipline, instruction, and administration of the bodies of police shall be established by mutual agreement between the Shereefian Minister of War or his delegate, the

inspector provided by article 7, and the highest ranking French and Spanish instructors.

The regulations shall be submitted to the Diplomatic Body at Tangier, which will formulate its opinion within a month's time. After that period the regulations shall be enforced.

ART. 5. The total strength of the police shall not be more than 2,500 men, nor less than 2,000. It shall be distributed, according to the importance of the ports, in groups varying between 150 and 600 men. The number of Spanish and French officers shall be between sixteen and twenty; of Spanish and French noncommissioned officers, between thirty and forty.

ART. 6. The funds necessary to maintain and pay soldiers and officers and noncommissioned officer instructors shall be advanced by the State Bank to the Shereefian Treasury within the limits of the annual budget assigned to the police, which shall not exceed two million and a half pesetas for an effective strength of two thousand five hundred men.

ART. 7. During the same period of five years a general inspection shall be made into the working of the police. Such inspection shall be intrusted by His Shereefian Majesty to a superior officer of the Swiss army, who will be submitted to His approval by the Swiss Federal Government. This officer will be styled Inspector-General and reside at Tangier.

He shall inspect at least once a year the different bodies of the police, and after such inspection he shall draw up a report which he will address to the Maghzen.

In addition to such regular reports, he will, if he regards it as necessary, draw up special reports with reference to the working of the police.

Without directly intervening either in the command or the instruction, the Inspector-General will ascertain the results obtained by the Shereefian police, as regards the maintenance of order and security in the places where this police shall have been established.

ART. 8. A copy of the reports and communications made to the Maghzen by the Inspector-General, with reference to his mission, shall at the same time be transmitted to the Dean of the Diplomatic Body at Tangier, in order that the Diplomatic Body be enabled to satisfy itself that the Shereefian police acts in conformity to the decisions taken by the conference, and to see whether it guarantees effectively, and in conformity with the treaties, the security of person and property of foreign citizens, subjects, and protégés, as well as that of commercial transactions.

ART. 9. In the case of complaints filed with the Diplomatic Body by the legation concerned, the Diplomatic Body may, upon notice given to the representative of the Sultan, direct the Inspector-General to investigate and report for all available purposes in the matter of such complaints.

ART. 10. The Inspector-General shall receive an annual salary of 25,000 francs. In addition, he will be allowed 6,000 francs for the expenses of his tours. The Maghzen will place at his disposal a suitable residence and will look after the maintenance of his horses.

ART. 11. The material conditions of his engagement and of his establishment, as provided by article 10, shall be the subject of a contract drawn up between him and the Maghzen. A copy of this contract shall be communicated to the Diplomatic Body.

ART. 12. The staff of instructors of the Shereefian police (officers and noncommissioned officers) shall be Spanish at Tetuan, mixed at Tangier, Spanish at Larache, French at Rabat, mixed at Casablanca, and French in the other three ports.

CHAPTER II.

Regulations concerning the detection and repression of the contraband of arms.

ART. 13. Throughout the Shereefian Empire, except in the cases specified by articles 14 and 15, the importation and sale is forbidden of arms of war, parts of guns, ammunition of any nature, loaded or unloaded, powder, saltpeter, gun cotton, nitroglycerin, and all compositions destined exclusively for the manufacture of ammunition.

ART. 14. Such explosives as are necessary for industry and public works may, however, be introduced. A regulation drawn up in the manner indicated by article 18 shall determine the conditions under which their importation may be effected.

ART. 15. The arms, parts of guns, and ammunition intended for the troops of His Shereefian Majesty will be admitted after the fulfillment of the following formalities:

A declaration signed by the Moorish Minister of War, describing the number and nature of such articles ordered abroad, must be presented to the legation of the country of their origin, whose visa shall be affixed thereto.

The passage through the customs of the cases and packages containing the arms and munitions, delivered at the order of the Moorish Government, shall be effected upon the presentation:

1. Of the aforesaid declaration.
2. Of the invoice indicating the number and weight of the packages and the number and kind of the arms and munitions contained therein. This document must be visaed by the legation of the country of their origin, which will mark on the back the successive amounts previously passed through the customs. This visa will be refused when the order shall have been entirely delivered.

ART. 16. The importation of sporting and high-priced arms, parts of guns, cartridges loaded and unloaded, is likewise forbidden. It may none the less be authorized—

- 1°. For the strictly personal requirements of the importer;
- 2°. For supplying the gunshops authorized by article 18.

ART. 17. Sporting and high-priced arms and the ammunition for the same will be admitted for the strictly personal requirements of the importer on presentation of a permit issued by the representative of the Maghzen at Tangier. If the importer is a foreigner, this permit will only be granted at the request of his legation.

With respect to ammunition for sporting purposes, each permit shall allow a maximum of a thousand cartridges or the supplies necessary for the manufacture of a thousand cartridges. The permit shall only be issued to those who have never been sentenced for any offense.

ART. 18. The trade in sporting and high-priced arms, not rifled, of foreign manufacture, as well as of the ammunition appertaining to the same, shall be regulated, as soon as circumstances permit, by a Shereefian decision made in conformity with the advice of a majority of the Diplomatic Body at Tangier. This shall be the case, as well with decisions intended to suspend or restrict the exercise of such trade.

Only such persons as have secured a special and temporary license from the Moorish Government shall be allowed to open and operate retail shops for the sale of sporting guns and ammunition. This license shall only be given at the written request of the applicant, indorsed by his legation.

Regulations drawn up in the manner indicated by the first paragraph of this article shall determine the number of such retail shops which may be opened at Tangier and, if occasion arises, in the ports that may be later designated. They shall fix the formalities to be imposed on the importation of explosives intended for industry and public works, of arms and ammunition intended to supply such shops, as well as the maximum quantity of stock that can be kept.

In case of the violation of the regulating ordinances, the license may

be temporarily or permanently withdrawn without prejudice to other penalties incurred by the offenders.

ART. 19. Every introduction of, or attempt to introduce, the prohibited merchandise shall make it liable to confiscation, and further to the punishments and fines mentioned below, which shall be pronounced by the competent jurisdiction.

ART. 20. The introduction or attempt to introduce in a port open to commerce, or through a custom-house, shall be punished:

1°. By a fine of from 500 to 2,000 pesetas and an additional fine equal to three times the value of the imported merchandise;

2°. By imprisonment of from five days to a year, or else by only one of these two punishments.

ART. 21. The introduction or attempt to introduce outside a port open to commerce or a custom-house shall be punished:

1°. By a fine of from 1,000 to 5,000 pesetas and an additional fine equal to three times the value of the imported merchandise;

2°. By imprisonment of from three months to two years, or else by only one of these two punishments.

ART. 22. The fraudulent sale, the receiving and peddling, of merchandise prohibited by the present regulations shall be punished according to the penalties specified in article 20.

ART. 23. The accomplices in the offenses set forth in articles 20, 21, and 22 shall be liable to the same penalties as the principals. The elements determining complicity shall be adjudged according to the laws of the court in charge of the case.

ART. 24. When there is good reason to suppose that a vessel anchored in a port open to commerce carries guns, ammunition, or other prohibited merchandise, with a view of introducing the same into Morocco, the officers of the Shereefian customs shall so inform the competent consular authority, in order that the latter may carry out, in company with a delegate of the Shereefian customs, such investigations, verifications, or searches as may be judged necessary.

ART. 25. In the case of the introduction or the attempted introduction by sea of prohibited merchandise outside of a port open to commerce, the Moorish customs authorities may bring the vessel to the nearest port, to be turned over to the consular authority, who shall have the right to seize it and continue such seizure until payment of the fines decreed. The vessel may, however, be released at any period of the trial, provided that the judicial proceedings shall not be impeded thereby, on the deposit made with the consular authority of the

maximum of the fine, or else under responsible bail accepted by the customs.

ART. 26. The Maghzen may retain the confiscated merchandise either for its own use, if able to utilize it, on condition that the subjects of the Empire shall not be able to get possession of it, or it shall dispose of it abroad.

The conveyances of the same on shore may be confiscated and shall be sold for the profit of the Shereefian Treasury.

ART. 27. The sale of arms condemned by the Moorish Government shall be prohibited throughout the Shereefian Empire.

ART. 28. Rewards taken out of the amount of the fines levied are to be given to the informants who have been instrumental in discovering forbidden merchandise and to the agents who have effected its seizure. Such rewards shall be assigned after deducting, if necessary, the costs of the trial, one-third to be distributed by the customs among the informants, one-third to the officers who seized the merchandise, and one-third to the Moroccan Treasury.

If the seizure has been effected without the intervention of an informer one-half of the fines shall go to the officer making the seizure and the other half to the Shereefian Treasury.

ART. 29. The Moorish customs authorities shall notify directly the diplomatic or consular agents of any violations of this regulation, committed by those under their jurisdiction, in order that the same may be prosecuted before the proper jurisdiction.

Similar violations committed by Moorish subjects shall be submitted directly by the customs to the Shereefian authority.

A delegate of the customs shall be assigned to follow the procedure of cases pending before the different jurisdictions.

ART. 30. In the region bordering on Algeria, the enforcement of the regulations on the contraband of arms shall be the exclusive concern of France and Morocco.

Similarly, the enforcement of the regulation on the contraband of arms in the Riff and in general in the regions bordering on the Spanish possessions shall be the exclusive concern of Spain and Morocco.

CHAPTER III.

Act of concession for a State Bank.

ART. 31. A bank shall be established in Morocco under the name of the "State Bank of Morocco," to exercise the following specified rights,

which are granted to it by His Majesty the Sultan for a period of forty years, to date from the ratification of this act.

ART. 32. The Bank, which will have power to carry on all transactions entering into the operations of a bank, shall have the exclusive privilege of issuing notes to bearer, payable on presentation and receivable for public dues throughout the Moorish Empire.

The Bank shall maintain for a period of two years, to date from its going into operation, cash on hand at least equal to half its notes in circulation, and equal to at least one-third after the expiration of said period of two years. At least one-third of such cash on hand is to be gold bullion or gold coin.

ART. 33. The Bank shall, to the exclusion of every other bank or establishment of credit, discharge the duty of disbursing treasurer of the Empire. To this end the Moorish Government shall take all necessary measures to deposit in the Bank proceeds of the customs revenues, exclusive of the part thereof applied to the loan of 1904, and such other revenues as it may designate.

With reference to the special tax established in order to carry out certain public works, the Moorish Government must have the same deposited in the Bank, as well as the revenues it may later pledge for its loans, the Bank being especially charged with the payments thereon, except, however, in the case of the loan of 1904, which is governed by special contract.

ART. 34. The Bank shall be the financial agent of the Government both within and without the Empire, without prejudice to the Government's right to apply to other banking houses or establishments of credit for its public loans. The Bank, however, shall enjoy, in regard to such loans, a right of preference, other conditions being equal, over any banking or credit establishment.

For Treasury notes or other short-term notes which the Moorish Government may wish to negotiate without making it a public issue, the Bank shall, however, be charged, to the exclusion of every other establishment, with negotiating the same for the account of the Moorish Government, either in Morocco or abroad.

ART. 35. The Bank shall make advances to the Moroccan Government on account current up to a million francs, chargeable against Treasury receipts.

The Bank shall likewise open a credit account for the Government for the period of ten years, to date from its establishment, such account not to exceed two-thirds of its initial capital.

This credit account shall be distributed over several years and employed primarily for the expenses of establishing and maintaining the bodies of police, organized in conformity to the decisions adopted by the conference, and secondarily for the expenses of such works of public interest as might not be charged to the special fund as provided for by the following article:

The maximum rate for these two advances will be 7 per cent, bank commission included, and the Bank may ask the Government to give as security an equal amount in Treasury notes.

If before the expiration of the said term of ten years the Moorish Government should contract a loan, the Bank would have the right to obtain the immediate reimbursement of its advances made in accordance with the second paragraph of the present article.

ART. 36. The proceeds of the special tax (articles 33 and 66) shall form a special fund for which the Bank shall keep a separate account. This fund shall be employed in conformity to the regulations adopted by the conference.

In the case of its insufficiency, and chargeable to later receipts, the Bank may open a special credit for such fund, the amount of which should not exceed the total of the receipts for the previous year.

The conditions of the rate and commission shall be the same as those established by the preceding article for advances to the Treasury on account current.

ART. 37. The Bank shall take such measures as it may deem conducive to a sounder monetary situation in Morocco. Spanish currency shall continue to be permitted to circulate as legal tender.

In consequence, the Bank shall have the exclusive charge of purchasing precious metals, of striking and melting coins, as well as of all its other monetary operations for the account and profit of the Moorish Government.

ART. 38. The home office of the Bank shall be at Tangier, but it shall establish branches and agencies in the principal cities of Morocco or in any other place it may deem expedient.

ART. 39. The land necessary for the establishment of the Bank, as well as its branches and agencies in Morocco, shall be placed gratuitously at its disposal by the Government, and at the expiration of the concession the Government shall retake possession of it and reimburse the Bank for the cost of building these establishments. The Bank shall further be authorized to purchase such houses and land as it may require for the same purpose.

ART. 40. The Shereefian Government shall insure and be responsible for the safety and protection of the Bank, its branches and agencies. To this end it shall place an adequate guard at the disposal of each establishment in every city.

ART. 41. The Bank, its branches and agencies, shall be exempt from all imposts or dues, ordinary or extraordinary, existing or to be created. The same exemption shall be extended to real estate devoted to its use, and to the certificates and coupons of its shares and to its notes. The importation and exportation of metals and coins intended for banking operations shall be authorized and exempted from every tax.

ART. 42. The Shereefian Government shall exercise its high supervision over the Bank by a High Commissioner, whom it shall appoint after a previous agreement with the Bank's Board of Directors.

This High Commissioner shall have the right to examine into the management of the Bank. He shall supervise the issuance of bank notes and shall see that the provisions of the concession are strictly observed.

The High Commissioner shall sign every note or affix thereto his seal. He shall be charged with the supervision of the relations between the Bank and the Imperial Treasury.

He shall take no part in the administration or transaction of the banking business, but he shall always have the right to attend the meetings of the Censors.

The Shereefian Government shall appoint one or two deputy commissioners, who shall be especially charged with the supervision of the financial transactions of the Treasury with the Bank.

ART. 43. A set of rules defining the relations of the Bank and of the Moorish Government shall be framed by the special committee provided for in article 57 and approved by the Censors.

ART. 44. The Bank, organized with the approval of the Government of His Shereefian Majesty in the form of a corporation, shall be governed by the French law relative thereto.

ART. 45. Actions instituted in Morocco by the Bank shall be brought before the Consular Court of the defendant or before the jurisdiction of Morocco, in accordance with the rules of competence established by the Shereefian treaties and firmans.

Actions instituted in Morocco against the Bank shall be brought before a special tribunal consisting of three consular magistrates and two associates. The Diplomatic Body shall, each year, arrange the list of magistrates, associates, and substitutes.

This tribunal shall apply to such cases the rules of law, procedure, and competence established by the French legislation in commercial

matters. Appeals from judgments pronounced by this tribunal shall be taken to the Federal Court of Lausanne, whose decision shall be final.

ART. 46. In case of dispute over the clauses of the concession or litigation arising between the Moorish Government and the Bank, the difference shall be referred, without appeal or recourse, to the Federal Court of Lausanne.

All disputes arising between the shareholders and the Bank in regard to the enforcement of the by-laws or by reason of the corporate business shall likewise be referred, without appeal or recourse, to the same court.

ART. 47. The by-laws of the Bank shall be framed on the following bases by a special committee provided for in article 57. They shall be approved by the Censors and ratified by the General Assembly of Shareholders.

ART. 48. The General Constituent Assembly of the corporation shall fix the place where the meetings of the shareholders and the sessions of the Board of Directors shall be held; the latter, however, shall have the faculty of meeting at any other city if it deems it expedient.

The office of the manager of the Bank shall be at Tangier.

ART. 49. The Bank shall be administered by a Board of Directors consisting of as many members as there are parts in the initial capital.

The Directors shall have the most extensive powers for the administration and management of the corporation; they shall especially appoint the managers, assistant managers, and members of the commission indicated in article 54, as well as the managers of branches and agencies.

The employees of the company shall be recruited so far as possible from among the citizens, subjects, or protégés of the several powers which have taken part in subscribing the capital.

ART. 50. The Directors, who shall be appointed by the General Assembly of Shareholders, shall be nominated by the groups subscribing the capital.

The first Board shall remain five years in office. At the expiration of this period, there shall be a renewal at the rate of three members annually. The order of outgoing Directors shall be determined by lot; they may be reelected.

On the constitution of the corporation, each subscribing group shall have the right to nominate as many directors as it shall have subscribed entire parts, but such groups shall not be compelled to select candidates of their own nationality.

The subscribing groups shall not retain their right of nominating directors when the latter are superseded or reelected, unless they can

prove that they still have in their possession at least one-half the share conferring that right upon them.

In a case where, by reason of these provisions, a subscribing group should be no longer in a position to nominate a director, the General Assembly of Shareholders shall make a direct nomination.

ART. 51. Each of the following institutions: the Bank of the German Empire, the Bank of England, the Bank of Spain, and the Bank of France, shall, with their Government's approval, appoint a Censor for the State Bank of Morocco.

The Censors shall remain in office four years. The outgoing Censors may be reappointed.

In the case of death or resignation the institution which had appointed the former incumbent shall fill the vacancy, but only for the unexpired term of the vacated office.

ART. 52. The Censors who shall exercise their mandate by virtue of this act of the Signatory Powers shall, in the interests of the latter, see that the Bank is efficiently operated and insure the strict observance of the clauses of the concession and of the statutes. They shall see that the regulations governing the issuance of notes are precisely fulfilled, and shall supervise the operations tending to put the monetary situation on a sound basis, but they shall never, under any pretext, interfere in the conduct of business or in the internal administration of the Bank.

Each of the Censors shall be empowered to examine at all times the Bank accounts, and to call for information either from the Board of Directors or the manager's office with regard to the management of the Bank, and attend the meetings of the Board of Directors, but only in an advisory capacity.

The four Censors shall meet at Tangier in the discharge of their duties at least once every two years, at a time to be fixed by them. Other meetings at Tangier or elsewhere may take place if three of the Censors should demand it.

The four Censors shall draw up in common accord an annual report, which shall be annexed to that of the Board of Directors. The Board of Directors shall transmit without delay a copy of such report to each of the Governments signatory to the act of the conference.

ART. 53. The Censors' emoluments and traveling expenses shall be fixed by the committee on by-laws. They shall be paid directly by the banks charged with their nomination, and the amount reimbursed to these institutions by the State Bank of Morocco.

ART. 54. To assist the manager's office a committee shall be established at Tangier, the members of which shall be chosen by the Board

of Directors, without distinction of nationality, from among the notables residing at Tangier and holding shares of the Bank.

This committee, which shall be presided over by one of the managers or assistant managers, shall give its advice on questions of discounts and opening of credit accounts.

It shall transmit a monthly report on these various subjects to the Board of Directors.

ART. 55. The capital, of which the amount shall be fixed by the special committee designated in article 57, shall be not less than fifteen million francs nor more than twenty million francs, and shall be of gold coin, and the shares thereof, of the value of five hundred francs each, shall be inscribed with the various gold coinages at a fixed rate of exchange, as determined by the by-laws.

The said capital may thereafter be increased at one or more times by a decision of the General Assembly of Shareholders.

The subscription to the increased capital shall be reserved for all shareholders, without distinction of groups, in proportion to their individual holdings.

ART. 56. The initial capital of the Bank shall be divided into as many equal parts as there are participants among the powers represented at the conference.

To this end, each power shall designate a bank which shall exercise either for itself or for a group of banks the above-specified right of subscription, as well as the right of nomination of the Directors, as provided in article 50. Any bank selected as head of a group may, with its Government's authorization, be superseded by another bank of the same country.

States wishing to avail themselves of their rights of subscription must notify such intention to the Royal Government of Spain within a period of four weeks from the signature of this act by the representatives of the powers.

Two parts, however, equal to those reserved to each of the subscribing groups, shall be assigned to the *consortium* of banks signatory of the contract of June 12, 1904, in compensation for the cession which shall be made by the *consortium* to the State Bank of Morocco:

(1) Of the rights specified in article 33 of the contract;

(2) Of the right inscribed in article 32 (paragraph 2) of the contract concerning the available balance of the customs receipts, with the express reservation of the general preferential right to the aggregate proceeds of customs granted to bondholders by article 11 of the same contract.

ART. 57. Within a period of three weeks from the time of closing the subscriptions, notified by the Royal Government of Spain to the powers interested, a special committee composed of delegates appointed by the subscribing groups, as provided in article 50 for the appointment of Directors, shall meet with a view to elaborating the by-laws of the Bank.

The General Constituent Assembly shall meet two months after the ratification of this act.

The functions of such special committee shall cease upon the organization of the corporation.

The special committee shall fix the place of its meetings.

ART. 58. No modification shall be made in the by-laws except on the motion of the Board of Directors and with the advice and consent of the Censors and the Imperial High Commissioner.

Such modifications must be voted by a three-quarters majority, either present or represented, of the General Assembly of Shareholders.

CHAPTER IV.

A declaration concerning a better return of taxes and the creation of new revenues.

ART. 59. As soon as the "tertib" shall have been put into regular operation with regard to Moorish subjects, the representatives of the powers at Tangier shall subject their citizens, subjects, and protégés in the Empire to the application thereof. But it is understood that this tax shall not be applied to foreign subjects except—

(a) Under the conditions stipulated by the regulation of the Diplomatic Body at Tangier on November 24, 1903;

(b) At places where it shall effectively be collected from Moorish subjects.

The consular authorities shall retain a certain percentage of the receipts of the taxes they collect from those subject to their jurisdiction to cover the cost of tax bills and collection.

The rate of such percentage shall be fixed by mutual agreement between the Maghzen and the Diplomatic Body at Tangier.

ART. 60. In accordance with the right granted by article 11 of the Madrid Convention, foreigners shall have the right to acquire property throughout the Shereefian Empire, and His Majesty the Sultan shall issue to his administrative and judicial officers such instructions as may be necessary for them not to refuse the registration of deeds without

lawful cause. Subsequent transfers, either by deeds between living parties or by death, shall continue without hindrance.

In the ports open to commerce and within a radius of ten kilometers around such ports, His Majesty the Sultan, generally and without it being necessary henceforth for foreign subjects to obtain a special permission for each purchase of property, now grants the consent required by article 11 of the Madrid Convention.

At Ksar el Kebir, Arzila, Azemour, and eventually in other towns of the coast or the interior, the general authorization stated above is likewise granted to foreigners, but only for purchasers within a radius of two kilometers around those towns.

Wherever foreigners may have acquired property they will be permitted to erect buildings in compliance with regulations and usage.

Before authorizing the execution of deeds for transferring property, the Cadi will have to satisfy himself of the validity of the title in conformity to the Mohammedan law.

The Maghzen shall designate in each city and district specified in this article the Cadi who shall have charge of such verification.

ART. 61. With a view to creating new resources for the Maghzen, the conference recognizes in principle that a tax may be established on city buildings.

A part of the receipts thus realized shall be set aside for the requirements of municipal streets and hygiene, and generally for the expense of improvement and conservation of the cities.

The tax is due from the Moorish or foreign owner, without distinction, but the tenant or the holder of the key shall be responsible to the Moorish Treasury.

Regulations issued jointly by the Shereefian Government and the Diplomatic Body at Tangier shall establish the rate, its method of collection and application, and shall determine the quota of revenue thus created which shall be devoted to the expense of improvement and conservation of the cities.

At Tangier this quota shall be turned over to the International Sanitary Council, which shall decide as to its use until the creation of a municipal organization.

ART. 62. His Shereefian Majesty having decided in 1901 that the Moorish officials who collect the agricultural taxes should no longer receive either the "sokhra" or the "mouna," the conference is of the opinion that this rule should be made general, so far as is possible.

ART. 63. The Shereefian delegates have stated that habou property, or certain State property, notably buildings of the Maghzen, occupied

at a rental of 6 per cent, are held by persons subject to foreign jurisdiction without regular title or by virtue of contracts subject to revision. The conference, desirous of remedying this state of affairs, charges the Diplomatic Body at Tangier to solve these two questions equitably, in accord with the special commissioner whom His Shereefian Majesty may be pleased to designate to that effect.

ART. 64. The conference takes formal note of the proposition formulated by the Shereefian delegates on the subject of taxes to be created on certain trades, industries, and professions.

If, as the result of the collection of such taxes from Moorish subjects the Diplomatic Body at Tangier should deem it advisable to extend the same to those under foreign jurisdiction, it is hereby specified that the said taxes shall be exclusively municipal.

ART. 65. The conference adheres to the proposition proposed by the Moorish delegation to create, with the assistance of the Diplomatic Body—

(a) A stamp tax on contracts and notarial acts brought before "adouls."

(b) A maximum transfer tax of 2 per cent on sales of real estate.

(c) A statistical and weighing tax of a maximum of 1 per cent ad valorem on merchandise transported by coasting vessels.

(d) A passport fee to be collected from Moorish subjects.

(e) Eventually, wharfage and light-house dues, the proceeds of which shall be devoted to harbor improvement.

ART. 66. Merchandise of foreign origin shall temporarily be subject on entry into Morocco to special taxes amounting to $2\frac{1}{2}$ per cent ad valorem. The whole proceeds of this special tax shall form a special fund, which shall be devoted to the execution of and expenses connected with public works for the development of navigation and the general trade of the Shereefian Empire.

The programme of works and their order of priority shall be determined jointly by the Shereefian Government and the Diplomatic Body at Tangier.

The surveys, estimates, plans, and specifications appertaining thereto shall be made by a competent engineer, appointed by the Shereefian Government jointly with the Diplomatic Body. This engineer may, if necessary, be assisted by one or more assistant engineers. Their salaries shall be charged to the special fund.

The special fund will be deposited with the State Bank of Morocco, which is to keep its accounts.

Public contracts shall be awarded in the form and under the general terms prescribed by the regulations that the Diplomatic Body at Tangier is charged to frame, together with the representative of His Shereefian Majesty.

The board of awards shall consist of one representative of the Shereefian Government, of five delegates of the Diplomatic Body, and of the engineer.

The award shall be given in favor of the bidder who, in conformity with the specifications, may submit the bid offering the most advantageous general terms.

As for the sums yielded by the special tax and collected at the customs-houses, in the districts specified in article 103 of the Customs Regulations, their expenditure will be determined upon by the Maghzen, with the consent of the neighboring power, in accordance with the clauses of this article.

ART. 67. The conference, without detriment to the observations offered upon this point, expresses the wish that the export duties on the following merchandise be reduced as follows:

	Per cent.
Chick-peas	20
Corn	20
Barley	50
Wheat	34

ART. 68. His Shereefian Majesty will consent to increase from six to ten thousand the number of head of cattle of the bovine species which each power shall have the right to export from Morocco. Such exportation may be effected through any custom-house. If by misfortune there should be a scarcity of cattle in any particular district His Shereefian Majesty shall have the right to temporarily forbid the exportation of cattle through the port or ports of that district. Such measure shall not exceed two years; nor shall it be applied at the same time to all the ports of the Empire.

It is further understood that the preceding provisions do not modify the other conditions for the exportation of cattle as fixed by previous firmans.

The conference expresses the additional wish that a veterinary inspection be organized as soon as possible at the seaports.

ART. 69. In accordance with the previous decisions of His Shereefian Majesty, and notably the decision of September 28th, 1901, the transportation is allowed by coasting vessels, between all ports of the Empire, of cereals, grains, vegetables, fruits, eggs, poultry, and in general of

merchandise and animals of every kind, of Moroccan origin or not; except horses, donkeys, and camels, for which a special permit from the Maghzen will be necessary. Such coasting trade may be carried on by vessels of every nationality without such articles being subjected to payment of the export duties, but subject to the special taxes and regulations relative thereto.

ART. 70. The rate of sojourn and anchorage dues levied on ships in Moorish ports being fixed by treaties with certain powers, the said powers are disposed to consent to a revision of such dues. The Diplomatic Body at Tangier is therefore charged to effect an agreement with the Maghzen on the terms of such revision, which can not, however, take place until after the improvement of the ports.

ART. 71. The customs storage dues shall be collected in all Moorish ports where there are adequate warehouses, in conformity to the regulations existing or to be adopted in regard thereto by the Government of His Shereefian Majesty in accord with the Diplomatic Body at Tangier.

ART. 72. Opium and kiff will continue to be a monopoly of the Shereefian Government. The importation of opium specially intended for medicinal purposes will, however, be allowed by special permit issued by the Maghzen at the request of the legation, the physician, or apothecary importing the same. The Shereefian Government and the Diplomatic Body shall jointly determine the maximum quantity which may be thus introduced.

ART. 73. The representatives of the powers take note of the Shereefian Government's intention to extend to tobacco of all kinds the monopoly existing in the case of snuff. They reserve the right of their citizens, subjects, and protégés to be duly indemnified for damages which the said monopoly may cause such of them as carry on a tobacco business established under the present system. In case no amicable agreement shall be reached, the damages shall be fixed by experts designated by the Maghzen and the Diplomatic Body, in conformity with the provisions governing expropriation for public purposes.

ART. 74. The principle of awarding contracts on bids without preference of nationality shall be applied to the farming of the monopoly of opium and kiff. The same rule would apply to the tobacco monopoly if created.

ART. 75. If the occasion should arise to modify any of the provisions of this declaration, the Maghzen and the Diplomatic Body at Tangier shall reach an understanding on this point.

ART. 76. In all the cases provided for by the present declaration where the Diplomatic Body shall be called upon to intervene, except in what concerns articles 64, 70, and 75, the decision shall be reached by a majority of the votes.

CHAPTER V.

A regulation concerning the customs of the Empire and the repression of fraud and smuggling.

ART. 77. Every captain of a merchantman coming from a foreign or a Moorish port shall, within twenty-four hours after having been granted free pratique in any of the ports of the Empire, deposit at the customs an exact copy of his manifest, signed by him and certified to by the vessel's consignee. He shall furthermore, if required to do so, produce before the customs authorities the original of his manifest.

The customs shall have power to station one or more watchmen on board to prevent illicit trade.

ART. 78. The following are exempt from depositing the manifest:

- 1°. Men-of-war or ships chartered for the account of a power.
- 2°. Boats belonging to private individuals for their personal use and never carrying any merchandise.
- 3°. Boats or craft used for shore fisheries.
- 4°. Yachts intended only as pleasure boats and registered as such at their home ports.
- 5°. Ships especially charged with laying down and repairing telegraphic cables.
- 6°. Boats exclusively used in life-saving service.
- 7°. Hospital ships.
- 8°. Training ships of the merchant marine not engaged in commercial operations.

ART. 79. The manifest deposited at the customs shall state the nature and origin of the cargo, with the marks and numbers of the cases, bales, bundles, casks, etc.

ART. 80. If there is serious reason to suspect the accuracy of the manifest, or in case the captain of the ship should refuse to allow the visit and verifications of customs officers, the case shall be brought to the attention of the proper consular authority, in order that the latter, in company with a delegate of the Shereefian customs, shall undertake the investigations, visits, and verifications that he may judge necessary.

ART. 81. If after twenty-four hours, as stated in article 77, the cap-

tain has not deposited his manifest, he shall incur, unless the delay be a case of *vis major*, a fine of 150 pesetas for each day's delay; provided, however, that the fine shall not exceed 600 pesetas. If the captain has fraudulently presented an inaccurate or incomplete manifest, he shall be personally condemned to pay a sum equal to the value of the merchandise for which he has failed to produce the manifest, and a fine of from 500 to 1,000 pesetas, and the vessel and merchandise shall be further liable to seizure by consular authority as security for such fine.

ART. 82. Any person about to pass through the customs merchandise imported or intended for exportation shall file in the custom-house a detailed statement setting forth the nature, quality, weight, number, measurement, and value of the merchandise, as well as the nature, marks, and numbers of the packages containing the same.

ART. 83. If there should be found at the time of the visit fewer packages or less merchandise than declared, the declarant, unless able to prove that he has acted in good faith, shall pay double duties for the missing merchandise, and the merchandise presented shall be retained in the customs as security for such double duty. If on the contrary, there should be found at the time of the visit an excess of packages, or quantity, or weight of the merchandise, this excess shall be seized and confiscated for the benefit of the Maghzen, unless the person making the declaration can prove his good faith.

ART. 84. If the declaration should be found inaccurate as to kind or quality, and the declarant is unable to prove his good faith, the merchandise wrongly declared shall be seized and confiscated by the proper authority for the benefit of the Maghzen.

ART. 85. If the declaration should be found inaccurate as to the declared value, and the declarant should be unable to prove his good faith, the customs may either levy the duty in kind, then and there, or, if the merchandise is indivisible, take the said merchandise by at once paying to the declarant its declared value, plus 5 per cent.

ART. 86. If the declaration should be found false as to the nature of the merchandise the latter shall be considered as not having been declared, and the offense shall fall under articles 88 and 90 hereinbelow, and shall be punished by the penalties provided for in the said articles.

ART. 87. The smuggling, flagrant or attempted, in or out of the country, by land or by sea, of merchandise subject to duty shall be punishable by confiscation of the merchandise, without prejudice to the penalties and fines hereinbelow, which shall be imposed by the proper jurisdiction.

In addition, the conveyances on shore shall be seized and confiscated when smuggled goods form the greater part of the load.

ART. 88. The smuggling, flagrant or attempted, in or out of the country, through a port open to commerce or through a custom-house, shall be punished by a fine not to exceed triple the value of the merchandise so smuggled and by imprisonment of from five days to six months, or by only one of these penalties.

ART. 89. The smuggling, flagrant or attempted, in or out of the country, outside of a port open to commerce or of a custom-house, shall be punished by a fine of from 300 to 500 pesetas, and by an additional fine equal to three times the value of the merchandise, or by imprisonment of from a month to a year.

ART. 90. The accomplices in offenses as provided by articles 88 and 89 shall be liable to the same penalties as the principals. The elements constituting complicity shall be adjudged according to the law of the tribunal in charge of the case.

ART. 91. In the case of smuggling, flagrant or attempted, in or out of the country, by a vessel outside of a port open to commerce, the Moorish customs shall have the right to take such vessel to the nearest port, to be turned over to the consular authority, and the said authority may seize and detain the vessel until it shall have paid the amount of the penalties imposed.

The vessel shall be released at any stage of the action, in so far as the preliminary judicial proceedings are not impeded thereby, upon deposit made with the consular authority of the maximum of the fine, or else under responsible bail accepted by the customs.

ART. 92. The provisions of the preceding articles are also applicable to coasting vessels.

ART. 93. Such merchandise as is not subject to an export duty, shipped in a Moorish port to be transported by sea to some other port in the Empire, shall be accompanied by a certificate issued by the customs, under penalty of being subjected to the payment of import duties, and even of being confiscated, if not entered in the manifest.

ART. 94. The transportation by coasting vessels of products subject to export duties can only be effected by depositing at the custom-house of the port of departure the amount of export duties on such merchandise and taking receipt therefor.

This money shall be returned to the depositor by the custom-house where it was deposited, on production of a declaration on which the customs certify the arrival of such merchandise and of the receipt for the deposit of the amount of the duties. The documents proving the

arrival of the merchandise shall be produced within three months from the time of shipment. After this term, unless the delay be a case of *vis major*, the amount deposited shall become the property of the Maghzen.

ART. 95. The import and export duties shall be paid cash at the custom-house where liquidation has been made. The ad valorem duties shall be liquidated according to the cash wholesale value of the merchandise delivered in the custom-house and free from customs duties and storage dues. Damages to the merchandise, if any, shall be taken into account in appraising the depreciation thereby caused. Merchandise can only be removed after the payment of customs duties and storage.

The holding of the goods or the collection of duty shall, in every case, be made the subject of a regular receipt delivered by the officer in charge.

ART. 96. The value of the chief articles of merchandise dutiable in the Moorish customs is to be appraised every year under the conditions specified in the foregoing article by a committee on customs valuations meeting at Tangier, and consisting of—

- 1°. Three members appointed by the Moorish Government.
- 2°. Three members appointed by the Diplomatic Body at Tangier.
- 3°. One delegate of the State Bank.
- 4°. One agent of the delegation of the 5 per cent Moroccan loan of 1904.

This committee shall appoint from twelve to twenty honorary members resident in Morocco, whom it shall consult when called upon to determine the value, and whenever it may see fit. These honorary members shall be selected from the lists of notables drawn up in the case of foreign subjects by each legation, and in the case of Moors by the Sultan's representative. They shall be appointed as far as possible in proportion to the importance of the commerce of each nation.

The committee shall be appointed for the term of three years.

The schedule of values fixed by it shall serve as a basis for the appraisals which the administration of Moorish customs shall make in every custom-house. It shall be posted at all custom-houses and in the chanceries of the legations and consulates at Tangier.

The schedule may be revised at the end of six months in case of considerable changes in the values of certain articles.

ART. 97. A permanent committee, to be known as the "Committee of Customs," shall be organized at Tangier and appointed for a term of three years. It shall consist of a special commissioner of His Shereefian Majesty, of a member of the diplomatic or consular body appointed by the Diplomatic Body at Tangier, and of a delegate from the State Bank.

It shall be empowered to add to its members, in an advisory capacity, one or more representatives of the customs service.

This committee shall exercise its high supervision over the customs service, and shall have the right to propose to His Shereefian Majesty such measures as are likely to effect improvement in the service and assure the regularity and supervision of operations and collections (landing, shipping, land transportation, handling, the incoming and outgoing of merchandise, storage, appraisal, liquidation and collection of duties.) The creation of such a Committee of Customs shall in no way infringe the rights stipulated in favor of the bondholders by articles 15 and 16 in the loan contract of June 12th, 1904.

Instructions to be drawn up by the Committee of Customs and the services interested therein shall determine the details of the enforcement of article 96 and of the present article. They shall be submitted to the advice and consent of the Diplomatic Body.

ART. 98. In custom-houses where sufficient warehouses exist the customs service shall take charge of the disembarked merchandise as soon as it is turned over by the captain of the vessel to the officers in charge of the lighterage, who shall receipt therefor, and until such time as it shall have been regularly cleared from the customs. The customs service is responsible for injuries caused by loss of or damage to merchandise which may be imputed to the fault or negligence of its officers. It is not responsible for damages resulting either from the natural decay of merchandise, or from too lengthy a storage in the warehouse, or from cases of *vis major*.

In custom-houses where there are not sufficient warehouses the agents of the Maghzen are required only to employ such means of preservation as may be at the disposal of the custom-house.

A revision of the storage regulations now in force shall be made under the direction of the Diplomatic Body, whose decisions shall be taken by a majority vote, in concert with the Shereefian Government.

ART. 99. Confiscated merchandise and conveyances shall be sold under direction of the customs service within eight days from the date of final judgment rendered by the competent tribunal.

ART. 100. The net proceeds of the sale of confiscated merchandise and articles become the final property of the State; as to pecuniary fines and compromises thereof, the amount, after deduction of costs of all kinds, shall be divided between the Shereefian Treasury and those who have participated in the repression of fraud or smuggling:

One-third to be distributed by the customs among the informants,

One-third to the officers who have seized the goods,

One-third to the Moorish Treasury.

If the seizure has been made without the intervention of an informant, one-half the fine shall be awarded to the officers making the seizure and the other half to the Moorish Treasury.

ART. 101. The Moorish customs authorities shall directly inform the diplomatic or consular agents of any violations of this regulation which may have been committed by those under their jurisdiction, in order that they may be prosecuted before the competent court.

Similar violations by Moorish subjects shall be brought directly by the customs before the Shereefian authority.

A delegate of the customs shall be charged to follow the legal proceedings in cases pending before the several jurisdictions.

ART. 102. Every confiscation, fine, or penalty must be imposed on foreigners by consular jurisdiction, and on Moorish subjects by Shereefian jurisdiction.

ART. 103. In the region bordering on Algeria the enforcement of these regulations shall be the exclusive concern of France and Morocco.

The enforcement of these regulations in the Riff and in general in the regions bordering on the Spanish possessions shall likewise be the exclusive concern of Spain and Morocco.

ART. 104. The provisions of the present regulations, other than those relating to penalties, may be revised by unanimous decision of the Diplomatic Body at Tangier and in accord with the Maghzen, at the expiration of a term of two years from the date of their taking effect.

CHAPTER VI.

A declaration relative to public services and public works.

ART. 105. With a view to assuring the application of the principle of economic liberty without any inequality, the Signatory Powers declare that none of the public services in the Shereefian Empire can be alienated for the advantage of private interests.

ART. 106. In case the Shereefian Government should invoke the aid of foreign capital or foreign industry for the working of public services or for the operation of public works, roads, railways, ports, telegraphs, and other public works, the Signatory Powers reserve to themselves the right to see to it that the authority of the State over these great enterprises of general interest remains entire.

ART. 107. The validity of the concessions which may be made under the terms of article 106, as well as for Government supplies, shall, throughout the Shereefian Empire, be subordinated to the principle of

public awards on proposals, without preference of nationality, whenever applicable under the rules followed in foreign laws.

ART. 108. As soon as the Shereefian Government shall have decided to invite proposals for execution of public works, it shall so inform the Diplomatic Body. It shall later communicate to it the plans, specifications, and all documents annexed to the call for proposals, in order to enable the nationals of all the Signatory Powers to form a clear idea of the contemplated works and compete for the same. A sufficient term for this shall be specified in the call for proposals.

ART. 109. The specifications shall not contain, either directly or indirectly, any condition or provision which may be prejudicial to free competition, and which may give advantage to competitors of one nationality over those of another nationality.

ART. 110. The contracts shall be awarded in the form and according to the general conditions prescribed by the regulations which the Shereefian Government shall draw up with the assistance of the Diplomatic Body.

The contracts shall be awarded by the Shereefian Government to the bidder who, while conforming himself to the specifications, shall have submitted the bid fulfilling the most advantageous general conditions.

ART. 111. The rules of articles 106 to 110 shall be applied to concessions for working cork forests, in accordance with the customary provisions in foreign laws.

ART. 112. The Shereefian firman shall determine the conditions of the concessions and the working of mines and quarries. In the composition of this firman the Shereefian Government shall be guided by foreign laws relating to such matters.

ART. 113. If in the cases mentioned in articles 106 to 112 it should become necessary to occupy certain property, its expropriation may be effected by previous payment of a fair indemnity, in conformity to the following rules:

ART. 114. Expropriation can only be effected on the ground of public utility and when necessity for the same shall have been ascertained by any administrative investigation, the formalities of which shall be determined by Shereefian regulations drawn up with the assistance of the Diplomatic Body.

ART. 115. If the property holders are Moorish subjects, His Shereefian Majesty shall take the necessary measures, that no hindrance shall impede the execution of works that he shall have declared to be of public utility.

ART. 116. If the owners are foreigners the method of expropriation shall be as follows:

In case of disagreement between the competent administration and the owner of the property to be expropriated, the indemnity shall be fixed by a special jury, or, if the occasion arises, by arbitration.

ART. 117. This jury shall be composed of six expert appraisers, three to be selected by the owner, three by the administration desiring to expropriate. A majority vote shall rule.

If there be no majority, the owner and the administration shall each appoint an arbitrator, and the two arbitrators shall name an umpire.

In case no agreement can be reached in selecting an umpire he shall be appointed by the Diplomatic Body at Tangier.

ART. 118. The arbitrators shall be selected from a list drawn up at the beginning of each year by the Diplomatic Body, and they shall be selected, as far as possible, from experts not living within the district in which the work is to be carried out.

ART. 119. The owner may appeal from the arbitrators' decision to a competent jurisdiction, and in accordance with the rules set for arbitration cases by the law of the country to which he belongs.

CHAPTER VII.

General provisions.

ART. 120. With a view to harmonizing its legislation, if the occasion arises, with the engagements contracted under the present General Act, each of the Signatory Powers engages to take the necessary steps leading to the enactment of such legislation as may be necessary so far as it is concerned.

ART. 121. The present General Act shall be ratified according to the constitutional laws of each state. The ratifications shall be deposited at Madrid as soon as practicable, and at the latest by December thirty-first, one thousand nine hundred and six.

A procès verbal shall be made of such deposit and a certified copy sent to each of the Signatory Powers through the diplomatic channel.

ART. 122. The present General Act shall enter into effect as soon as all the ratifications shall have been deposited, and at the latest on December thirty-first, one thousand nine hundred and six.

In case the special legislative measures which may be necessary in certain countries to insure the application to their nationals living in Morocco of certain stipulations of this present General Act shall not have been enacted by the date fixed for ratification, these stipulations shall

only become applicable in respect to them after the legislative measures above referred to shall have been promulgated.

Art. 123 and last. All treaties, conventions, and arrangements of the Signatory Powers with Morocco remain in force. It is understood, however, that in case of conflict between their provisions and those of the present General Act, the stipulations of the latter shall prevail.

In faith whereof the Delegates Plenipotentiary have signed the present General Act and have affixed their seals thereto.

Done at Algeciras this seventh day of April, one thousand nine hundred and six, in a single copy, which shall remain deposited in the archives of the Government of His Catholic Majesty, and of which certified copies shall be transmitted through the diplomatic channel to the Signatory Powers.

For Germany:

[L. s.] JOSEPH DE RADOWITZ

[L. s.] TATTENBACH

For Austria-Hungary:

[L. s.] WELSERSHEIMB

[L. s.] BOLESTA-KOZIEBRODZKI

For Belgium:

[L. s.] JOOSTENS

[L. s.] COMTE CONRAD DE BUISSERET

For Spain:

[L. s.] EL DUQUE DE ALMODÓVAR DEL RÍO

[L. s.] J. PÉREZ-CABALLERO

For the United States of America, with reservation of the declaration made in the plenary session of the conference on April 7, 1906:

[L. s.] HENRY WHITE

[L. s.] SAMUEL R. GUMMERÉ

For France:

[L. s.] RÉVOIL

[L. s.] REGNAULT

For Great Britain:

[L. s.] A. NICOLSON

For Italy:

[L. s.] VISCONTI VENOSTA

[L. s.] G. MALMUSI

For Morocco:

For the Netherlands:

[L. s.] H. TESTA

For Portugal:

[L. s.] CONDE DE TOVAR
[L. s.] CONDE DE MARTENS FERRAO

For Russia:

[L. s.] CASSINI
[L. s.] BASILE DE BACHERACHT

For Sweden:

[L. s.] ROBERT SAGER

ADDITIONAL PROTOCOL.

On the point of signing the General Act of the Conference of Algeciras, the delegates of Germany, Austria-Hungary, Belgium, Spain, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Russia and Sweden.

Taking into account the declaration of the delegates of Morocco that they were not, for the present, in position to affix their signatures thereto, they being unable, owing to the distance, to receive an early reply from His Shereefian Majesty concerning the points in regard to which they deemed it their duty to refer to Him,

Reciprocally engage, by virtue of their respective full powers, to unite their efforts towards the ratification of the said General Act in its entirety by His Shereefian Majesty and towards the simultaneous enforcement of the reforms therein provided which are interdependent.

They therefore agree to charge His Excellency Mr. Malmusi, Minister of Italy to Morocco and Dean of the Diplomatic Corps at Tangier, to take the necessary steps to that end by calling the attention of His Majesty the Sultan to the great advantages that His Empire would derive from the stipulations adopted at the conference by the unanimous action of the Signatory Powers.

The adhesion given by His Shereefian Majesty to the General Act of the Conference of Algeciras shall be communicated through the Government of His Catholic Majesty to the Governments of the other Signatory Powers. This adhesion shall have the same force as if the delegates of Morocco had affixed their signatures to the General Act and will take the place of ratification by His Shereefian Majesty.

In witness whereof, the delegates of Germany, Austria-Hungary, Belgium, Spain, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Russia, and Sweden have signed the present additional protocol and affixed their seals thereto.

Done at Algeciras on the seventh day of April, one thousand nine hundred and six, in a single copy, which shall remain filed in the archives of the Government of His Catholic Majesty, and of which certified copies shall be delivered to the Signatory Powers through the diplomatic channel.

For Germany:

[L. s.] JOSEPH DE RADOWITZ

[L. s.] TATTENBACH

For Austria-Hungary:

[L. s.] WELSERSHEIMB

[L. s.] BOLESTA-KOZIEBRODZKI

For Belgium:

[L. s.] JOOSTENS

[L. s.] COMTE CONRAD DE BUISSET

For Spain:

[L. s.] EL DUQUE DE ALMODÓVAR DEL RÍO

[L. s.] J. PÉREZ-CABALLERO

For the United States of America, with reservation of the declaration made in the plenary session of the conference on April 7, 1906:

[L. s.] HENRY WHITE

[L. s.] SAMUEL R. GUMMERÉ

For France:

[L. s.] RÉVOIL

[L. s.] REGNAULT

For Great Britain:

[L. s.] A. NICOLSON

For Italy:

[L. s.] VISCONTI VENOSTA

[L. s.] G. MALMUSI

For Morocco:

For the Netherlands:

[L. s.] H. TESTA

For Portugal:

[L. s.] CONDE DE TOVAR

[L. s.] CONDE DE MARTENS FERRAO

For Russia:

[L. s.] CASSINI

[L. s.] BASILE DE BACHERACHT

For Sweden:

[L. s.] ROBERT SAGER

Translation of the Reservation Made in French, at the Session of April 7, by Ambassador White, and Mentioned over the Signatures of the American Delegates to the General Act and Additional Protocol.

The Government of the United States, having no political interest in Morocco and no desire or purpose having animated it to take part in this conference other than to secure for all peoples the widest equality of trade and privilege with Morocco and to facilitate the institution of reforms in that country tending to insure complete cordiality of intercourse without and stability of administration within for the common good, declares that, in acquiescing in the regulations and declarations of the conference, in becoming a signatory to the General Act of Algeciras and to the additional protocol, subject to ratification according to constitutional procedure, and in accepting the application of those regulations and declarations to American citizens and interests in Morocco, it does so without assuming obligation or responsibility for the enforcement thereof.

*Convention between the United Kingdom and China respecting Tibet,
signed April 27, 1906.¹*

WHEREAS, His Majesty the King of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India, and His Majesty the Emperor of China are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires;

AND WHEREAS, the refusal of Tibet to recognize the validity of or to carry into full effect the provisions of the Anglo-Chinese Convention of March 17, 1890, and Regulations of December 5th, 1893, placed the British Government under the necessity of taking steps to secure their rights and interests under the said Convention and Regulations;

AND WHEREAS, a Convention of ten Articles was signed at Lhasa on September 7th, 1904 on behalf of Great Britain and Tibet, and was ratified by the Viceroy and Governor-General of India on behalf of Great Britain on November 11th, 1904, a declaration on behalf of Great Britain modifying its terms under certain conditions being appended thereto;

His Britannic Majesty and His Majesty the Emperor of China have resolved to conclude a Convention on this subject and have for this purpose named Plenipotentiaries, that is to say:

His Majesty the King of Great Britain and Ireland:

Sir Ernest Mason Satow, Knight Grand Cross of the Most Dis-

¹Parliamentary Papers: Treaty Series, 1906.

tinguished Order of Saint Michael and Saint George, His said Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China;
and His Majesty the Emperor of China:

His Excellency Tong Shoa-yi, His said Majesty's High Commissioner Plenipotentiary and a Vice-President of the Board of Foreign Affairs;

who having communicated to each other their respective full powers and finding them to be in good and true form have agreed upon and concluded the following Convention in six articles:

ARTICLE I. The Convention concluded on September 7th, 1904, by Great Britain and Tibet, the texts of which in English and Chinese are attached to the present Convention as an annexe, is hereby confirmed, subject to the modification stated in the declaration appended thereto, and both of the High Contracting Parties engage to take at all times such steps as may be necessary to secure the due fulfilment of the terms specified therein.

ART. II. The Government of Great Britain engages not to annex Tibetan territory or to interfere in the administration of Tibet. The Government of China also undertakes not to permit any other foreign State to interfere with the territory or internal administration of Tibet.

ART. III. The concessions which are mentioned in Article 9 (d) of the Convention concluded on September 7th 1904, by Great Britain and Tibet are denied to any state or to the subject of any state other than China, but it has been arranged with China that at the trade marts specified in Article 2 of the aforesaid Convention, Great Britain shall be entitled to lay down telegraph lines connecting with India.

ART. IV. The provisions of the Anglo-Chinese Convention of 1890 and Regulations of 1893 shall, subject to the terms of this present Convention and annexe thereto, remain in full force.

ART. V. The English and Chinese texts of the present Convention have been carefully compared and found to correspond but in the event of there being any difference of meaning between them the English text shall be authoritative.

ART. VI. This Convention shall be ratified by the Sovereigns of both countries and ratifications shall be exchanged at London within three months after the date of signature by the Plenipotentiaries of both Powers.

In token whereof the respective Plenipotentiaries have signed and sealed this Convention, four copies in English and four in Chinese.

Done at Peking, this twenty-seventh day of April, one thousand nine

hundred and six, being the fourth day of the fourth month of the thirty-second year of the reign of Kuang-hsü.

[L. S.] ERNEST SATOW.
(Signature and Seal of the Chinese Plenipotentiary.)

*Convention between the Governments of Great Britain and Tibet, signed
September 7, 1904.¹*

(Signed also in Chinese.)

WHEREAS, doubts and difficulties have arisen as to the meaning and validity of the Anglo-Chinese Convention of 1890, and the Trade Regulations of 1893, and as to liabilities of the Tibetan Government under these agreements; and whereas recent occurrences have tended towards a disturbance of the relations of friendship and good understanding which have existed between the British Government and the Government of Tibet; and whereas, it is desirable to restore peace and amicable relations, and to resolve and determine the doubts and difficulties as aforesaid, the said Governments have resolved to conclude a Convention with these objects, and the following articles have been agreed upon by Colonel F. E. Younghusband, C. I. E., in virtue of full powers vested in him by His Britannic Majesty's Government and on behalf of that said Government, and Lo-sang Gyal-Tsen, the Ga-den Ti-Rim-poche, and the representatives of the Council, of the three monasteries Se-ra, Dre-pung and Ga-den, and of the ecclesiastical and lay officials of the National Assembly on behalf of the Government of Tibet.

I. The Government of Tibet engages to respect the Anglo-Chinese Convention of 1890 and to recognize the frontier between Sikkim and Tibet, as defined in Article I of the said Convention, and to erect boundary pillars accordingly.

II. The Tibetan Government undertakes to open forthwith trade marts to which all British and Tibetan subjects shall have free right of access at Gyantse and Gartok, as well as at Yatung.

The regulations applicable to the trade mart at Yatung, under the Anglo-Chinese Agreement of 1893, shall, subject to such amendments as may hereafter be agreed upon by common consent between the British and Tibetan Governments, apply to the marts above mentioned.

In addition to establishing trade marts at the places mentioned, the Tibetan Government undertakes to place no restrictions on the trade by existing routes, and to consider the question of establishing fresh trade marts under similar conditions if development of trade requires it.

III. The question of the amendment of the Regulations of 1893 is

¹ Parliamentary Papers: Treaty Series, 1906.

reserved for separate consideration, and the Tibetan Government undertakes to appoint fully authorized delegates to negotiate with Representatives of the British Government as to the details of the amendments required.

IV. The Tibetan Government undertakes to levy no dues of any kind other than those provided for in the tariff to be mutually agreed upon.

V. The Tibetan Government undertakes to keep the roads to Gyantse and Gartok from the frontier clear of all obstruction and in a state of repair suited to the needs of the trade, and to establish at Yatung, Gyantse, and Gartok, and at each of the other trade marts that may hereafter be established, a Tibetan Agent who shall receive from the British Agent appointed to watch over British Trade at the marts in question any letter which the latter may desire to send to the Tibetan or to the Chinese authorities. The Tibetan Agent shall also be responsible for the due delivery of such communications and for the transmission of replies.

VI. As an indemnity to the British Government for the expense incurred in the despatch of armed troops to Lhasa, to exact reparation for breaches of treaty obligations, and for the insults offered to and attacks upon the British Commissioner and his following and escort, the Tibetan Government engages to pay a sum of pounds five hundred thousand—equivalent to rupees seventy-five lakhs—to the British Government.

The indemnity shall be payable at such place as the British Government may from time to time, after due notice, indicate whether in Tibet or in the British districts of Darjeeling or Jalpaiguri, in seventy-five annual instalments of rupees one lakh each on the 1st January in each year, beginning from the 1st January, 1906.

VII. As security for the payment of the above-mentioned indemnity, and for the fulfilment of the provisions relative to trade marts specified in Articles II, III, IV and V, the British Government shall continue to occupy the Chumbi valley until the indemnity has been paid and until the trade marts have been effectively opened for three years, whichever date may be the later.

VIII. The Tibetan Government agrees to raze all forts and fortifications and remove all armaments which might impede the course of free communication between the British frontier and the towns of Gyantse and Lhasa.

IX. The Government of Tibet engages that, without the previous consent of the British Government:

(a) no portion of Tibetan territory shall be ceded, sold, leased, mortgaged or otherwise given for occupation, to any Foreign Power;

(b) no such Power shall be permitted to intervene in Tibetan affairs;

(c) no Representatives or Agents of any Foreign Power shall be admitted to Tibet;

(d) no concessions for railways, roads, telegraphs, mining or other rights, shall be granted to any Foreign Power, or to the subject of any Foreign Power. In the event of consent to such concessions being granted, similar or equivalent concessions shall be granted to the British Government;

(e) no Tibetan revenues, whether in kind or in cash, shall be pledged or assigned to any Foreign Power, or to the subject of any Foreign Power.

X. In witness whereof the negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quintuplicate at Lhasa, this seventh day of September in the year of our Lord one thousand nine hundred and four, corresponding with the Tibetan date, the twenty-seventh day of the seventh month of the Wood Dragon year.

F. E. YOUNGHUSBAND, Col.,

British Commissioner.

TIBET FRONTIER COMMISSION.

SEAL OF BRITISH COMMISSIONER.

SEAL OF THE DALAI LAMA, AFFIXED BY THE GA-DEN TI-RIMPOCHE.

SEAL OF COUNCIL.

SEAL OF THE DRE-PUNG MONASTERY.

SEAL OF SERA MONASTERY.

SEAL OF GA-DEN MONASTERY.

SEAL OF NATIONAL ASSEMBLY.

In proceeding to the signature of the Convention, dated this day, the representatives of Great Britain and Tibet declare that the English text shall be binding.

F. E. YOUNGHUSBAND, Col.,

British Commissioner.

TIBET FRONTIER COMMISSION.

SEAL OF BRITISH COMMISSIONER.

SEAL OF THE DALAI LAMA, AFFIXED BY THE GA-DEN TI-RIMPOCHE.

SEAL OF COUNCIL.

SEAL OF THE DRE-PUNG MONASTERY.

SEAL OF SERA MONASTERY.

SEAL OF GA-DEN MONASTERY.

SEAL OF NATIONAL ASSEMBLY.

AMPTHILL,

Viceroy and Governor-General of India.

This Convention was ratified by the Viceroy and Governor-General of India in Council at Simla on the eleventh day of November, A. D., one thousand nine hundred and four.

S. M. FRASER,

*Secretary to the Government of India,
Foreign Department.*

Declaration signed by his Excellency the Viceroy and Governor-General of India and appended to the ratified Convention of seventh September, 1904.

His Excellency the Viceroy and Governor-General of India, having ratified the Convention which was concluded at Lhasa on seventh September, 1904, by Colonel Younghusband, C. I. E., British Commissioner for Tibet Frontier Matters, on behalf of His Britannic Majesty's Government; and by Lo-Sang Gyal-Tsen, the Ga-den Ti-Rimpoche, and the representatives of the Council, of the three monasteries Sera, Drepung, and Ga-den, and of the ecclesiastical and lay officials of the National Assembly, on behalf of the Government of Tibet, is pleased to direct as an act of grace that the sum of money which the Tibetan Government have bound themselves under the terms of Article VI of the said Convention to pay to His Majesty's Government as an indemnity for the expenses incurred by the latter in connection with the despatch of armed forces to Lhasa, be reduced from Rs. 75,00,000 to Rs. 25,00,000; and to declare that the British occupation of the Chumbi valley shall cease after due payment of three annual instalments of the said indemnity as fixed by the said Article, provided, however, that the trade marts as stipulated in Article II of the Convention shall have been effectively opened for three years as provided in Article VI of the Convention; and that, in the meantime, the Tibetans shall have faithfully complied with the terms of the said Convention in all other respects.

AMPTHILL,

Viceroy and Governor-General of India.

This declaration was signed by the Viceroy and Governor-General of India in Council at Simla on the eleventh day of November, A. D., one thousand nine hundred and four.

S. M. FRASER,

*Secretary to the Government of India,
Foreign Department*

APPOINTMENT OF SECRETARIES OF EMBASSY AND
LEGATION.

EXECUTIVE ORDER, NOVEMBER 10, 1905.

It is hereby ordered that vacancies in the office of Secretary of Embassy or Legation shall hereafter be filled

(a) By transfer or promotion from some branch of the foreign service,
or

(b) By the appointment of a person who, having furnished satisfactory evidence of character, responsibility and capacity, and being thereupon selected by the President for examination, is found upon such examination to be qualified for the position.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
November 10th, 1905.

ORDER BY THE SECRETARY OF STATE.

In pursuance of the Executive order of November 10, 1905, the second assistant secretary of state, the solicitor for the department of state, and the chief of the diplomatic bureau, or the persons for the time being respectively discharging the duties of said officers, are hereby constituted a board, whose duty it shall be, by appropriate examination, to determine the qualifications of persons selected by the President therefor, to be appointed as secretaries of embassies or legations. Vacancies occurring in said board, or such changes in the membership thereof as experience may prove to be desirable will be dealt with by additional regulations as occasion may require.

The examination herein provided shall be held from time to time at the Department of State, in Washington, upon such notice to candidates as shall give them reasonable opportunity to attend for the purpose in question.

Such examinations shall be both oral and in writing. The subjects to which the examination shall relate are to be:

1. International law;
2. Diplomatic usage;
3. Modern languages.

Familiarity with at least one foreign language will be required. This language may be either the language spoken in the country in which the embassy or legation is located, or French.

The Examining Board is authorized to issue such notices and to make all such rules as it may deem necessary to accomplish the objects of this regulation, and immediately upon the conclusion of such examination shall make to the secretary of state a report in writing stating whether in its judgment the candidate is or is not qualified for the particular position applied for, and, if the decision is adverse to the candidate, also briefly summarizing the grounds of such decision.

ELIHU ROOT.

DEPARTMENT OF STATE,

Washington, November 10th, 1905.

LIST OF DIPLOMATIC OFFICERS OF THE UNITED STATES CORRECTED TO JANUARY 1, 1907.

I certify that the accompanying list of diplomatic officers of the United States is true and correct up to and including January 1, 1907.

CHARLES RAY DEAN,
*Chief, Bureau of Appointments,
Department of State.*

January 11, 1907.

To what country accredited.	Name and rank.	Residence.	Where born.	Whence appointed.	Date of commission.	Compensation
Argentina Republic	Arthur M. Beaupré, E. E. & M. P.	Buenos Aires..	Ill.	Ill.	Mar. 17, 1904	\$12,000
	Charles D. White, Sec. of Leg.	Buenos Aires..	N. Y.	N. J.	Mar. 28, 1904	2,625
Austria- Hungary	Capt. Frank Parker, Mil. Att.	Buenos Aires..	S. O.	Army..	June 30, 1905	.....
	Charles S. Francis, Amb. E. & P.	Vienna.....	N. Y.	N. Y.	Mar. 22, 1906	17,500
	George B. Rives, Sec. of Emb.	Vienna.....	N. Y.	N. J.	Mar. 16, 1905	3,000
	Francis G. Landon, 2d Sec. of Emb. ..	Vienna.....	N. Y.	N. Y.	Mar. 17, 1905	2,000
	Lt. John McClintock, Mil. Att.	Vienna.....	Wis.	Army..	Oct. 4, 1905	.....
Belgium	Lt. Com. Wm. L. Howard, Nav. Att.	Berlin.....	Conn.	Navy..	Aug. 27, 1904	.....
	Henry Lane Wilson, E. E. & M. P.	Brussels.....	Ind.	Wash.	Mar. 8, 1905	12,000
Bolivia	Stanton Sickles,* Sec. of Leg.	Brussels.....	Spain ..	N. Y.	Oct. 17, 1903	2,625
	William B. Sorsby, E. E. & M. P.	La Paz.....	Miss.	Miss.	July 11, 1902	7,500
Brazil	..... Sec. of Leg.	La Paz.....	.....	.....	.....	2,000
	Irving B. Dudley, Amb. E. & P.	Rio de Janeiro	.....	.....	Dec. 19, 1906	17,500
Chile	George L. Lorillard, Sec. of Emb.	Rio de Janeiro	R. I.	R. I.	Apr. 6, 1906	3,000
	Maj. Lyman W. V. Kannon, Mil. Att.	Rio de Janeiro	R. I.	Army..	May 29, 1906	.....
China	John Hicks, E. E. & M. P.	Santiago.....	N. Y.	Wla.	July 14, 1905	10,000
	Henry L. Jones, Sec. of Leg.	Santiago.....	Wis.	Wis.	June 29, 1906	2,000
China	William W. Rockhill, E. E. & M. P.	Peking.....	Pa.	D. C.	Mar. 8, 1905	12,000
	Thomas Erving Moore, Sec. of Leg.	Peking.....	Ohio ..	D. C.	June 28, 1906	2,625
	William Phillips, 2d Sec. of Leg.	Peking.....	.....	Mass.	Mar. 10, 1905	1,800
	Edward T. Williams, Chinese Sec.	Peking.....	Ohio ..	Ohio ..	Feb. 23, 1901	3,000
	Thomas W. Haskins, Asst. Chinese Sec.	Peking.....	Conn.	Cal.	June 4, 1904	2,000
	George Hamilton Butler, Stud. Int.	Peking.....	Me.	N. Y.	Apr. 10, 1905	1,000
	Willys R. Peck,* Stud. Int.	Peking.....	China..	Cal.	Oct. 8, 1906	1,000
	John I. Viney (*), Stud. Int.	Peking.....	England	Va.	Oct. 8, 1906	1,000
Colombia	Lt. Com. John A. Dougherty, Nav. Att.	Tokyo (Yedo)	Mo.	Navy..	Nov. 3, 1906	.....
	Capt. Henry Leonard, Mil. Att.	Peking.....	D. C.	Navy..	Mar. 29, 1905	.....
Costa Rica	John Barrett, E. E. & M. P.	Bogotá.....	Vt.	Orag.	June 21, 1905	10,000
	William Helmke (*), Sec. of Leg.	Bogotá.....	France.	N. Y.	July 18, 1906	2,000
Cuba	William L. Merry, E. E. & M. P. †	San José.....	N. Y.	Cal.	July 17, 1897	10,000
	James G. Bailey, Sec. of Leg.	San José.....	Ky.	Ky.	June 5, 1903	2,000
Denmark	Edwin V. Morgan, E. E. & M. P.	Habana.....	N. Y.	N. Y.	Nov. 29, 1905	12,000
	Charles S. Wilson, Sec. of Leg.	Habana.....	Me.	Me.	July 18, 1906	2,000
	Fred Morris Dearing, † 2d Sec. of Leg.	Habana.....	.....	Mo.	July 30, 1906	1,500
Dominican Republic	Thomas J. O'Brien, E. E. & M. P.	Copenhagen ..	.....	Mich.	Mar. 8, 1905	7,500
	Charles Richardson, Sec. of Leg.	Copenhagen ..	Mass.	Mass.	Apr. 9, 1906	2,000
Ecuador	Thomas C. Dawson, Minister Resident & C. G.	Santo Domingo	Wis.	Iowa ..	Apr. 29, 1904	5,000
	..... Sec. of Leg.	Santo Domingo	.....	.....	.....	2,000
Ecuador	Capt. Charles Young, Mil. Att.	Port au Prince	Ky.	Army..	Apr. 18, 1904	.....
	Joseph W. J. Lee, E. E. & M. P.	Quito.....	Md.	Md.	Sept. 18, 1905	7,500

*Born of American parents residing abroad.

†Accredited also to Nicaragua and Salvador.

‡Appointed after examination under Executive order of November 10, 1905.

DIPLOMATIC SERVICE—CONTINUED.

To what country accredited.	Name and rank.	Residence.	Where born.	Whence appointed.	Date of commission.	Compensation.
France	Henry White, Amb. E. & P.	Paris .....	.....	.....	Dec. 19, 1906	\$17,500
	Henry Vignaud, Sec. of Emb.	Paris	La	La	Apr. 11, 1885	3,000
	Arthur Bailly-Blanchard, 2d Sec. of Emb.	Paris	La	La	June 17, 1901	2,000
German Empire }	William Blumenthal, 3d Sec. of Emb.	Paris	N. Y.	N. Y.	Mar. 10, 1905	1,200
	Capt. John C. Fremont, Nav. Att.	Paris	Cal	Navy	Aug. 6, 1903	.....
	Capt. Wm. S. Guignard, Mil. Att.	Paris	S. O.	Army	Apr. 14, 1905	.....
	Charlemagne Tower, Amb. E. & P.	Berlin	Pa	Pa	Sept. 26, 1902	17,500
	Spencer F. Eddy, Sec. of Emb.	Berlin	Ill	Ill	Oct. 1, 1903	3,000
	John W. Garrett, 2d Sec. of Emb.	Berlin	Md	Md	Mar. 25, 1905	2,000
	Nelson O'Shaughnessy, 3d Sec. of Emb.	Berlin	N. Y.	N. Y.	Mar. 17, 1905	1,200
Great Britain }	Capt. Wm. S. Biddle, jr., Mil. Att.	Berlin	Mich	Army	Aug. 4, 1902	.....
	Lt. Com. Wm. L. Howard, Nav. Att.	Berlin	Conn	Navy	Aug. 27, 1904	.....
	Whitelaw Reid, Amb. E. & P.	London	Ohio	N. Y.	Mar. 8, 1905	17,500
	John R. Carter, Sec. of Emb.	London	Md	Md	Mar. 10, 1905	3,000
	Craig W. Wadsworth, 2d Sec. of Emb.	London	Pa	N. Y.	Mar. 10, 1905	2,000
	U. Grant Smith, 3d Sec. of Emb.	London	Pa	Pa	Feb. 8, 1906	1,200
	Lt. Com. John H. Gibbons, Nav. Att.	London	Mich	Navy	Dec. 13, 1905	.....
Greece	Maj. John H. Beacom, Mil. Att.	London	Ohio	Army	Aug. 29, 1903	.....
	John B. Jackson, E. E. & M. P.*	Athens	N. J.	N. J.	Mar. 8, 1905	7,500
Guatemala .....	..... Sec. of Leg.	Athens .....	.....	.....	.....	2,000
	..... E. E. & M. P.†	Guatemala .....	.....	.....	.....	10,000
Haiti	Philip M. Brown, Sec. of Leg.	Guatemala	Me	Mass	June 5, 1903	2,000
	Henry W. Furness, E. E. & M. P.	Port au Prince	N. Y.	Ind	Nov. 23, 1905	7,500
Honduras	Capt. Charles Young, Mil. Att.	Port au Prince	Ky	Army	Apr. 18, 1904	.....
	..... E. E. & M. P.‡	Guatemala .....	.....	.....	.....	10,000
Italy	Philip M. Brown, Sec. of Leg.	Guatemala	Me	Mass	June 5, 1903	2,000
	Lloyd C. Griscom, Amb. E. & P.	Rome .....	.....	.....	Dec. 19, 1906	17,500
	R. S. Reynolds Hitt, § Sec. of Emb.	Rome	France	Ill	Mar. 25, 1905	3,000
	Leonard M. Thomas, 2d Sec. of Emb.	Rome	Pa	Pa	Dec. 10, 1902	2,000
	Maj. Frank A. Edwards, Mil. Att.	Rome	Pa	Army	Sept. 29, 1903	.....
	Lt. Com. Wm. L. Howard, Nav. Att.	Berlin	Conn	Navy	Aug. 27, 1904	.....
	Luke E. Wright, Amb. E. & P.	Tokyo (Yedo) ..	.....	Tenn	Jan. 25, 1906	17,500
Japan	H. Percival Dodge, Sec. of Emb.	Tokyo (Yedo) ..	Mass	Mass	Aug. 8, 1906	3,000
	George P. Wheeler, || 2d Sec. of Emb.	Tokyo (Yedo) ..	.....	Wash	July 21, 1906	2,000
	Ransford Stevens Miller, jr., Japanese Sec. and Int.	Tokyo (Yedo) ..	N. Y.	N. Y.	July 24, 1906	3,000
	Charles L. Chandler, Stud. Int.	Tokyo (Yedo) ..	Mass	Mass	Oct. 8, 1906	1,000
	Adolph A. Williamson, Stud. Int.	Tokyo (Yedo) ..	D. C.	D. C.	Oct. 8, 1906	1,000
	John K. Caldwell, Stud. Int.	Tokyo (Yedo) ..	Ohio	Ky	Oct. 8, 1906	1,000
	Lt. Com. John A. Dougherty, Nav. Att.	Tokyo (Yedo) ..	Mo	Navy	Nov. 3, 1906	.....
Liberia	Ernest Lyon (n), Minister Resident & C. G.	Monrovia	Hond	Md	Mar. 16, 1903	5,000
Luxemburg	George W. Ellis, Sec. of Leg.	Monrovia	Mo	Kans	Dec. 10, 1902	2,000
	David J. Hill, E. E. & M. P.¶	The Hague	N. J.	N. Y.	Mar. 15, 1905	12,000
Mexico	Roger S. G. Boutell, Sec. of Leg.	The Hague	Ill	Ill	Dec. 11, 1905	2,625
	David E. Thompson, Amb. E. & P.	Mexico	Mich	Nebr	Jan. 24, 1906	17,500
	Fenton R. McCreery, Sec. of Emb.	Mexico	Mich	Mich	Apr. 8, 1897	3,000
	Paxton Hibben, 2d Sec. of Emb.	Mexico	Ind	Ind	July 18, 1906	2,000
	Joseph C. Grew, 3d Sec. of Emb.	Mexico	Mass	N. H.	Mar. 1, 1906	1,200
Montenegro.	Maj. Alexis R. Paxton, Mil. Att.	Mexico	Pa	Army	Sept. 29, 1905	.....
	John B. Jackson, E. E. & M. P.**	Athens	N. J.	N. J.	Mar. 8, 1905	7,500
	..... Sec. of Leg.	Athens .....	.....	.....	.....	2,000

* Accredited also to Montenegro; also diplomatic agent in Bulgaria.

† Accredited also to Honduras.

‡ Accredited also to Guatemala.

§ Born of American parents residing abroad.

|| Appointed after examination under Executive order of November 10, 1905.

¶ Accredited also to the Netherlands.

** Accredited also to Greece; also Diplomatic Agent in Bulgaria.

DIPLOMATIC SERVICE—CONTINUED.

To what country accredited.	Name and rank.	Residence.	Where born.	Whence appointed.	Date of commission.	Compensation.
Morocco ...	Samuel R. Gummeré, E. E. & M. P.	Tangier	N. J.	N. J.	Mar. 8, 1905	\$7,500
	Hoffman Philip, Sec. of Leg.	Tangier	D. C.	N. Y.	Jan. 11, 1906	2,000
Netherlands	David J. Hill, E. E. & M. P.*	The Hague ...	N. J.	N. Y.	Mar. 15, 1905	12,000
	Roger S. G. Boutell, Sec. of Leg.	The Hague ...	Ill.	Ill.	Dec. 11, 1905	2,625
Nicaragua	William L. Merry, E. E. & M. P.† ..	San José	N. Y.	Cal.	July 17, 1897	10,000
	James G. Bailey, Sec. of Leg.	San José	Ky.	Ky.	June 5, 1903	2,000
Norway ...	Herbert H. D. Peirce, E. E. & M. P. ...	Christiania ...	Mass.	Mass.	June 22, 1906	7,500
	M. Marshall Langhorne,† Sec. of Leg.	Christiania ...	Va.	Va.	July 5, 1906	2,000
Panama....	Herbert G. Squiers,§ E. E. & M. P. ...	Panama.	Canada ...	N. Y.	Oct. 20, 1906	10,000
	William F. Sands, Sec. of Leg.	Panama.	D. C.	D. C.	Apr. 1, 1905	2,000
Paraguay	Edward C. O'Brien, E. E. & M. P.|| ..	Montevideo ...	.....	N. Y.	Mar. 8, 1905	7,500
Persia	Richmond Pearson, E. E. & M. P.	Teheran.	N. C.	N. C.	Dec. 17, 1902	7,500
	John Tyler, Int.	Teheran.	England ...	Persia. ....	.....	1,000
Peru	Leslie Combs, E. E. & M. P.	Lima. ....	.....	.....	Dec. 19, 1906	10,000
	Richard R. Neill, Sec. of Leg.	Lima.	Pa.	Pa.	July 5, 1884	2,000
Portugal ...	Charles Page Bryan, E. E. & M. P.	Lisbon.	Ill.	Ill.	Jan. 7, 1903	7,500
	Henry P. Fletcher, Sec. of Leg.	Lisbon.	Pa.	Pa.	Mar. 10, 1905	2,000
Roumania ..	..... E. E. & M. P.¶ ..	Bucharest. ....	.....	.....	.....	7,500
	Montgomery Schuyler, jr., Sec. of Leg. & C. G.	Bucharest.	Conn.	N. Y.	June 28, 1906	2,000
Russia	John W. Riddle, Amb. E. & P.	St. Petersburg .....	.....	.....	Dec. 19, 1906	17,500
	..... Sec. of Emb.	St. Petersburg .....	.....	.....	.....	3,000
	Robert Woods Bliss, 2d Sec. of Emb.	St. Petersburg	Mo.	N. Y.	Oct. 17, 1904	2,000
	Basil Miles,† 3d Sec. of Emb.	St. Petersburg .....	.....	Pa.	Aug. 24, 1906	1,200
	Capt. John O. Fremont, Nav. Att.	Paris.	Cal.	Navy.	Aug. 6, 1906	.....
	Maj. William W. Gibson, Mil. Att.	St. Petersburg	Conn.	Army.	Sept. 7, 1905	.....
Salvador ...	William L. Merry, E. E. & M. P.** ..	San José	N. Y.	Cal.	July 17, 1897	10,000
	James G. Bailey, Sec. of Leg.	San José	Ky.	Ky.	June 5, 1903	2,000
Servia .....	..... E. E. & M. P.†† ..	Bucharest. ....	.....	.....	.....	7,500
	Montgomery Schuyler, jr., Sec. of Leg. & C. G.	Bucharest.	Conn.	N. Y.	June 28, 1906	2,000
Siam	Hamilton King (n), E. E. & M. P. ...	Bangkok.	Canada ...	Mich.	Apr. 27, 1903	7,500
	Irwin B. Laughlin, Sec. of Leg. & C. G.	Bangkok. ....	.....	Pa.	June 28, 1906	2,000
	Leng Hui, Int.	Bangkok.	Siam.	Siam.	Aug. 27, 1901	500
Spain	William M. Collier, E. E. & M. P.	Madrid.	N. Y.	N. Y.	Mar. 8, 1905	12,000
	Robert M. Winthrop, Sec. of Leg.	Madrid.	Mass.	Mass.	Oct. 17, 1903	2,000
Sweden	Charles H. Graves, E. E. & M. P.	Stockholm. ....	.....	Minn.	Mar. 8, 1905	7,500
	Norman Hutchinson, Sec. of Leg.	Stockholm.	Cal.	Cal.	June 28, 1906	2,000
	Maj. William W. Gibson, Mil. Att.	St. Petersburg	Conn.	Army.	Dec. 5, 1905	.....
Switzerland	Brutus J. Clay, E. E. & M. P.	Berne. ....	.....	Ky.	Mar. 8, 1905	7,500
	Paul Grand d'Hauteville, Sec. of Leg.	Berne.	R. I.	R. I.	Dec. 11, 1905	2,000
Turkey	John G. A. Leishman, Amb. E. & P. ...	Constantinople	Pa.	Pa.	June 18, 1906	17,500
	Peter Augustus Jay, Sec. of Emb.	Constantinople	R. I.	R. I.	June 28, 1906	2,625
	Lewis Einstein, 2d Sec. of Emb.	Constantinople	N. Y.	N. Y.	June 28, 1906	1,800
	A. A. Gargiulo, Int.	Constantinople	Turkey.	Turkey.	July 1, 1873	3,000
Bulgaria ...	John B. Jackson,†† Dip. Agt.	Athens.	N. J.	N. J.	Mar. 8, 1905	7,500
	..... Sec. of Agency	Athens. ....	.....	.....	.....	2,000
Egypt.	Lewis M. Iddings, Agt. & C. G.	Cairo.	Ohio.	N. Y.	Mar. 23, 1905	6,500
Uruguay ...	Edward C. O'Brien, E. E. & M. P.§§ ..	Montevideo ...	.....	N. Y.	Mar. 8, 1905	7,500
Venezuela ..	William W. Russell, E. E. & M. P. ...	Caracas.	D. C.	D. C.	June 21, 1905	10,000
	Jacob Sleeper, Sec. of Leg.	Caracas.	Mass.	Mass.	June 28, 1906	2,000

* Accredited also to Luxemburg.

† Accredited also to Costa Rica and Salvador.

‡ Appointed after examination under Executive order of November 10, 1905.

§ Born of American parents residing abroad.

|| Accredited also to Uruguay.

¶ Accredited also to Servia.

** Accredited also to Costa Rica and Nicaragua.

†† Accredited also to Roumania.

‡‡ Also Envoy Extraordinary and Minister Plenipotentiary to Greece and Montenegro.

§§ Accredited also to Paraguay.

OFFICIAL DOCUMENTS

The Declaration of Paris, 1856

Declaration respecting maritime law signed by the Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, assembled in Congress at Paris, April 16, 1856.

The Plenipotentiaries who signed the Treaty of Paris of the 30th of March, 1856, assembled in conference,—considering:

That Maritime Law, in time of war, has long been the subject of deplorable disputes;

That the uncertainty of the law, and of the duties in such a matter, gives rise to differences of opinion between neutrals and belligerents which may occasion serious difficulties, and even conflicts;

That it is consequently advantageous to establish a uniform doctrine on so important a point.

That the Plenipotentiaries assembled in Congress at Paris cannot better respond to the intentions by which their governments are animated than by seeking to introduce into international relations fixed principles in this respect;

The above-mentioned Plenipotentiaries, being duly authorized, resolved to concert among themselves as to the means of attaining this object; and, having come to an agreement, have adopted the following solemn declaration:

1. Privateering is, and remains abolished.
2. The neutral flag covers enemy's goods, with the exception of contraband of war.
3. Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag.
4. Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The Governments of the undersigned Plenipotentiaries engage to bring the present Declaration to the knowledge of the states which have not taken part in the Congress of Paris, and to invite them to accede to it.

Convinced that the maxims which they now proclaim cannot but be received with gratitude by the whole world, the undersigned Plenipotentiaries doubt not that the efforts of their governments to obtain the general adoption thereof will be crowned with full success.

The present Declaration is not and shall not be binding, except between those Powers who have acceded, or shall accede to it.

Done at Paris, April 16, 1856.

The Geneva Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field. Concluded, August 22, 1864

The Swiss Confederation; His Royal Highness the Grand Duke of Baden; His Majesty the King of the Belgians; His Majesty the King of Denmark; Her Majesty the Queen of Spain; His Majesty the Emperor of the French; His Royal Highness the Grand-Duke of Hesse; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Prussia; His Majesty the King of Würtemberg, being equally animated with the desire to soften, as much as depends on them, the evils of warfare, to suppress its useless hardships and improve the fate of wounded soldiers on the field of battle, have resolved to conclude a convention to that effect, and have named for their plenipotentiaries, viz:

[Names]

Who, after having exchanged their powers, and found them in good and due form, agree to the following articles:

ARTICLE I. Ambulances and military hospitals shall be acknowledged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

ART. II. Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succor.

ART. III. The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfil their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

ART. IV. As the equipment of military hospitals remains subject

to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

ART. V. Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

ART. VI. Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders-in-chief shall have the power to deliver immediately to the outposts of the enemy soldiers who have been wounded in an engagement, when circumstances permit this to be done, and with the consent of both parties.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

ART. VII. A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuations. It must, on every occasion, be accompanied by the national flag. An arm-badge (brassard) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

The flag and the arm-badge shall bear a red cross on a white ground.

ART. VIII. The details of execution of the present convention shall be regulated by the commanders-in-chief of belligerent armies, according to the instructions of their respective governments, and in conformity with the general principles laid down in this convention.

ART. IX. The high contracting Powers have agreed to communicate the present convention to those Governments which have not found it convenient to send plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the protocol is for that purpose left open.

ART. X. The present convention shall be ratified, and the ratifications shall be exchanged at Berne, in four months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed it and have affixed their seals thereto.

Done at Geneva, the twenty-second day of the month of August, of the year one thousand eight hundred and sixty-four.

Additional Articles of 1868

The governments of North Germany, Austria, Baden, Bavaria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Sweden and Norway, Switzerland, Turkey, and Würtemberg, desiring to extend to armies on the sea the advantages of the Convention concluded at Geneva the 22d of August, 1864, for the amelioration of the condition of wounded soldiers of armies in the field, and to further particularize some of the stipulations of the said Convention, have named for their commissioners:

[Names]

Who, having been duly authorized to that effect, agreed, under reserve of approbation from their governments, to the following dispositions:

ARTICLE I. The persons designated in Article II of the Convention shall, after the occupation by the enemy, continue to fulfil their duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

ART. II. Arrangements will have to be made by the belligerent powers to ensure to the neutralized person, fallen into the hands of the army of the enemy, the entire enjoyment of his salary.

ART. III. Under the conditions provided for in Articles I and IV of the Convention, the name "ambulance" applies to field hospitals and other temporary establishments, which follow the troops on the field of battle to receive the sick and wounded.

ART. IV. In conformity with the spirit of Article V of the Convention and to the reservations contained in the protocol of 1864, it is explained that for the appointment of the charges relative to the quartering of troops, and of the contributions of war, account only shall be taken in an equitable manner of the charitable zeal displayed by the inhabitants.

ART. V. In addition to Article VI of the Convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph

of that article, the wounded fallen into the hands of the enemy shall be sent back to their country, after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

ART. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.

The appreciation of these circumstances is entrusted to the humanity of all the combatants. The wrecked and wounded thus picked and saved must not serve again during the continuance of the war.

ART. VII. The religious, medical and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property.

ART. VIII. The staff designated in the preceding article must continue to fulfil their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article.

The stipulations of the second additional article are applicable to the pay and allowance of the staff.

ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser, renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation.

If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent.

The belligerents retain the right to interdict neutralized vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operation. In urgent cases special con-

ventions may be entered into between commanders-in-chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

Their return to their own country is subject to the provisions of Article VI of the Convention, and of the additional Article. V.

ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this Convention, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary.

Military hospital ships shall be distinguished by being painted white outside, with green strake.

ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this Convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents.

They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white, with red strake.

These ships shall bear aid and assistance to the wounded and wrecked belligerents without distinction of nationality.

They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

The wounded and wrecked picked up by these ships cannot be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the Convention, as regards such belligerent.

Should this presumption become a certainty, notice may be given to such belligerent that the Convention is suspended with regard to him during the whole continuance of the war.

ART. XV. The present Act shall be drawn up in a single original copy, which shall be deposited in the Archives of the Swiss Confederation.

An authentic copy of this Act shall be delivered, with an invitation to adhere to it, to each of the signatory Powers of the Convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

In faith whereof, the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.

The Declaration of St. Petersburg, 1868

Upon the invitation of the Imperial Cabinet of Russia, an international military commission having been assembled at St. Petersburg in order to consider the desirability of forbidding the use of certain projectiles in time of war among civilized nations, and this commission having fixed by a common accord the technical limits within which the necessities of war ought to yield to the demands of humanity, the undersigned have been authorized by the orders of their Governments to declare as follows:

Considering that the progress of civilization should have the effect of alleviating, as much as possible the calamities of war:

That the only legitimate object which states should endeavor to accomplish during war is to weaken the military force of the enemy;

That for this purpose, it is sufficient to disable the greatest possible number of men;

That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

That the employment of such arms would, therefore, be contrary to the laws of humanity;

The contracting parties engage, mutually, to renounce, in case of war among themselves, the employment, by their military or naval forces, of any projectile of less weight than four hundred grammes, which is explosive, or is charged with fulminating or inflammable substances.

They agree to invite all the states which have not taken part in the deliberations of the International Military Commission, assembled at St. Petersburg, by sending delegates thereto, to accede to the present engagement.

This engagement is obligatory only upon the contracting or acceding parties thereto, in case of war between two or more of themselves; it is not applicable with regard to non-contracting powers, or powers that shall not have acceded to it.

It will also cease to be obligatory from the moment when, in a war between contracting or acceding parties, a non-contracting party, or a non-acceding party, shall join one of the belligerents.

The contracting or acceding parties reserve to themselves the right to come to an understanding, hereafter, whenever a precise proposition shall be drawn up, in view of future improvements which may be effected in the armament of troops, in order to maintain the principles which they have established, and to reconcile the necessities of war with the laws of humanity.

Done at St. Petersburg, November 29 (December 11), 1868.

Project of an International Declaration Concerning the Laws and Customs of War, Adopted by the Conference of Brussels, August 27, 1874

ARTICLE I. A territory is considered as occupied when it is actually placed under the authority of the hostile army.

The occupation only extends to those territories where this authority is established, and can be exercised.

II. The authority of the legal power being suspended, and having actually passed into the hands of the occupier, he shall take every step in his power to re-establish and secure, as far as possible, public safety and social order.

III. With this object he will maintain the laws which were in force in the country in time of peace, and he will only modify, suspend, or replace them by others if necessity obliges him to do so.

IV. The functionaries and officials of every class who, at the instance of the occupier, consent to continue to perform their duties, shall be under his protection. They shall not be dismissed or be liable to summary punishment (punis disciplinairement) unless they fail in fulfilling

the obligations they have undertaken, and shall be handed over to justice, only if they violate those obligations by unfaithfulness.

V. The army of occupation shall only levy such taxes, dues, duties, and tolls as are already established for the benefit of the State, or their equivalent, if it be impossible to collect them, and this shall be done as far as possible in the form of and according to existing practice. It shall devote them to defraying the expenses of the administration of the country to the same extent as was obligatory on the legal Government.

VI. The army occupying a territory shall take possession only of the specie, the funds, and bills, etc. (*valeurs exigibles*), which are the property of the State in its own right, the depots of arms, means of transport, magazines and supplies, and, in general, all the personal property of the State which may be of service in carrying on the war.

Railway plant, land telegraphs, steam and other vessels, not included in cases regulated by maritime law, as well as depots of arms, and generally every kind of munitions of war, although belonging to companies or to private individuals, are to be considered equally as means of aid in carrying on a war, which cannot be left at the disposal of the enemy. Railway plant, land telegraphs, as well as the steam and other vessels above-mentioned shall be restored, and indemnities be regulated on the conclusion of peace.

VII. The occupying State shall only consider itself in the light of an administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied territory. It is bound to protect these properties (*fonds de ces propriétés*) and to administer them according to the laws of usufruct.

VIII. The property of parishes (*communes*), or establishments devoted to religion, charity, education, arts and sciences, although belonging to the State, shall be treated as private property.

Every seizure, destruction of, or wilful damage to, such establishments, historical monuments, or works of art or of science, should be prosecuted by the competent authorities.

IX. The laws, rights, and duties of war are applicable not only to the army, but likewise to militia and corps of volunteers complying with the following conditions:

1. That they have at their head a person responsible for his subordinates;
2. That they wear some settled distinctive badge recognizable at a distance;

3. That they carry arms openly; and

4. That, in their operations, they conform to the laws and customs of war.

In those countries where the militia forms the whole or part of the army, they shall be included under the denomination of "army."

X. The population of a non-occupied territory, who, on the approach of the enemy, of their own accord take up arms to resist the invading troops, without having had time to organize themselves in conformity with Article IX, shall be considered as belligerents, if they respect the laws and customs of war.

XI. The armed forces of the belligerents may be composed of combatants and non-combatants. In the event of being captured by the enemy, both one and the other shall enjoy the rights of prisoners of war.

XII. The laws of war do not allow to belligerents an unlimited power as to the choice of means of injuring the enemy.

XIII. According to this principle are strictly forbidden:

(a) The use of poison or poisoned weapons.

(b) Murder by treachery of individuals belonging to the hostile nation or army.

(c) Murder of an antagonist who, having laid down his arms, or having no longer the means of defending himself, has surrendered at discretion.

(d) The declaration that no quarter will be given.

(e) The use of arms, projectiles, or substances (*matières*) which may cause unnecessary suffering, as well as the use of the projectiles prohibited by the Declaration of St. Petersburg in 1868.

(f) Abuse of the flag of truce, the national flag, or the military insignia or uniform of the enemy, as well as the distinctive badges of the Geneva Convention.

(g) All destruction or seizure of the property of the enemy which is not imperatively required by the necessity of war.

XIV. Stratagems (*ruses de guerre*), and the employment of means necessary to procure intelligence respecting the enemy or the country (*terrain*) (subject to the provisions of Article XXXVI), are considered as lawful means.

XV. Fortified places are alone liable to be seized. Towns, agglomerations of houses or villages, which are open and undefended, cannot be attacked or bombarded.

XVI. But if a town or fortress, agglomeration of houses, or villages be defended, the commander of the attacking forces should, before

commencing a bombardment, and except in the case of surprise, do all in his power to warn the authorities.

XVII. In the like case all necessary steps should be taken to spare, as far as possible, buildings devoted to religion, arts, sciences, and charity, hospitals and places where sick and wounded are collected, on condition that they are not used at the same time for military purposes.

It is the duty of the besieged to indicate these buildings by special visible signs to be notified beforehand by the besieged.

XVIII. A town taken by storm shall not be given up to the victorious troops to plunder.

XIX. No one shall be considered as a spy but those who, acting secretly or under false pretences, collect, or try to collect, information in districts occupied by the enemy with the intention of communicating it to the opposing force.

XX. A spy if taken in the act shall be tried and treated according to the laws in force in the army which captures him.

XXI. If a spy who rejoins the army to which he belongs is subsequently captured by the enemy, he is to be treated as a prisoner of war, and incurs no responsibility for his previous acts.

XXII. Military men (les militaires) who have penetrated within the zone of operations of the enemy's army, with the intention of collecting information, are not considered as spies if it has been possible to recognize the military character.

In like manner military men (and also non-military persons carrying out their mission openly) charged with the transmission of despatches either to their own army or to that of the enemy, shall not be considered as spies if captured by the enemy.

To this class belong, also, if captured, individuals sent in balloons to carry despatches, and generally to keep up communications between the different parts of an army, or of a territory.

XXIII. Prisoners of war are lawful and disarmed enemies. They are in the power of the enemy's Government, but not of the individuals or of the corps who made them prisoners.

They should be treated with humanity.

Every act of insubordination authorizes the necessary measures of severity to be taken with regard to them.

All their personal effects except their arms are considered to be their own property.

XXIV. Prisoners of war are liable to internment in a town, fortress, camp, or in any locality whatever, under an obligation not to go beyond

certain fixed limits; but they may not be placed in confinement (*enfermés*) unless absolutely necessary as a measure of security.

XXV. Prisoners of war may be employed on certain public works which have no immediate connection with the operations on the theater of war, provided the employment be not excessive, nor humiliating to their military rank, if they belong to the army, or to their official or social position, if they do not belong to it.

They may also, subject to such regulations as may be drawn up by the military authorities, undertake private work.

The pay they receive will go towards ameliorating their position or will be placed to their credit at the time of their release. In this case the cost of their maintenance may be deducted from their pay.

XXVI. Prisoners of war cannot be compelled in any way to take any part whatever in carrying on the operations of the war.

XXVII. The Government, in whose power are the prisoners of war undertakes to provide for their maintenance.

The conditions of such maintenance may be settled by a mutual understanding between the belligerents.

In default of such an understanding, and as a general principle, prisoners of war shall be treated, as regards food and clothing, on the same footing as the troops of the Government who made them prisoners.

XXVIII. Prisoners of war are subject to the laws and regulations in force in the army in whose power they are.

Arms may be used, after summoning, against a prisoner attempting to escape. If retaken, he is subject to summary punishment (*peines disciplinaires*) or to a stricter surveillance.

If, after having escaped, he is again made prisoner, he is not liable to any punishment for his previous escape.

XXIX. Every prisoner is bound to declare, if interrogated on the point, his true name and rank, and in the case of his infringing this rule he will incur a restriction of the advantages granted to the prisoners of the class to which he belongs.

XXX. The exchange of prisoners of war is regulated by mutual agreement between belligerents.

XXXI. Prisoners of war may be released on parole if the laws of their country allow it, and in such a case they are bound on their personal honour to fulfil scrupulously, as regards their own Government, as well as that which made them prisoners, the engagements they have undertaken.

In the same case their own Government should neither demand nor accept from them any service contrary to their parole.

XXXII. A prisoner of war cannot be forced to accept release on parole, nor is the enemy's Government obliged to comply with the request of a prisoner claiming to be released on parole.

XXXIII. Every prisoner of war liberated on parole, and retaken carrying arms against the Government to which he had pledged his honour, may be deprived of the rights accorded to prisoners of war, and may be brought before the tribunals.

XXXIV. Persons in the vicinity of armies, but who do not directly form part of them, such as correspondents, newspaper reporters, "vivandiers," contractors, etc., may also be made prisoners of war.

These persons should, however, be furnished with a permit issued by a competent authority, as well as with a certificate of identity.

XXXV. The duties of belligerents, with regard to the treatment of sick and wounded, are regulated by the Convention of Geneva of the 22d August, 1864, subject to the modifications which may be introduced into that convention.

XXXVI. The population of an occupied territory cannot be compelled to take part in military operations against their own country.

XXXVII. The population of occupied territories cannot be compelled to swear allegiance to the enemy's power.

XXXVIII. The honour and rights of the family, the life, and property of individuals, as well as their religious convictions and the exercise of their religion, should be respected.

Private property cannot be confiscated.

XXXIX. Pillage is expressly forbidden.

XL. As private property should be respected, the enemy will demand from parishes (communes) or the inhabitants, only such payments and services as are connected with the necessities of war generally acknowledged in proportion to the resources of the country, and which do not imply, with regard to the inhabitants, the obligation of taking part in the operations of war against their own country.

XLI. The enemy, in levying contributions, whether as equivalents for taxes (vide Art. V), or for payments which should be made in kind, or as fines, will proceed, as far as possible, according to the rules of the distribution and assessment of the taxes in force in the occupied territory.

The civil authorities of the legal Government will afford their assistance, if they have remained in office.

Contributions can be imposed only on the order and on the responsibility of the General-in-Chief, or of the superior civil authority established by the enemy in the occupied territory.

For every contribution a receipt shall be given to the person furnishing it.

XLII. Requisitions shall be made only by the authority of the Commandant of the locality occupied.

For every requisition an indemnity shall be granted or a receipt given.

XLIII. An individual authorized by one of the belligerents to confer with the other, on presenting himself with a white flag, accompanied by a trumpeter (bugler or drummer), or also by a flag-bearer, shall be recognized as the bearer of a flag of truce. He, as well as the trumpeter (bugler or drummer), and the flag-bearer, who accompany him, shall have the right of inviolability.

XLIV. The commander to whom a bearer of a flag of truce is despatched is not obliged to receive him under all circumstances and conditions.

It is lawful for him to take all measures necessary for preventing the bearer of the flag of truce taking advantage of his stay within the radius of the enemy's position to the prejudice of the latter; and if the bearer of the flag of truce is found guilty of such a breach of confidence, he has the right to detain him temporarily.

He may equally declare beforehand that he will not receive bearers of flags of truce during a certain period. Envoys presenting themselves after such a notification from the side to which it has been given forfeit their right of inviolability.

XLV. The bearer of a flag of truce forfeits his right of inviolability if it be proved in a positive and irrefutable manner that he has taken advantage of his privileged position to incite to, or commit, an act of treachery.

XLVI. The conditions of capitulations shall be discussed by the Contracting Parties.

These conditions should not be contrary to military honour.

When once settled by a Convention, they should be scrupulously observed by both sides.

XLVII. An armistice suspends warlike operations by a mutual agreement between the belligerents. Should the duration thereof not be fixed, the belligerents may resume operations at any moment; provided, however, that proper warning be given to the enemy, in accordance with the conditions of the armistice.

XLVIII. An armistice may be general or local. The former suspends all warlike operations between the belligerents; the latter only those between certain portions of the belligerent armies, and within a fixed radius.

XLIX. An armistice should be notified officially and without delay to the competent authorities and to the troops. Hostilities are suspended immediately after the notification.

L. It rests with the Contracting Parties to define in the clauses of the armistice the relations which shall exist between the populations.

LI. The violation of the armistice by either of the parties gives to the other the right of terminating it (le dénoncer).

LII. The violation of the clauses of an armistice by private individuals, on their own personal initiative, only affords the right of demanding the punishment of the guilty persons, and, if there is occasion for it, an indemnity for losses sustained.

LIII. The neutral State receiving in its territory troops belonging to the belligerent armies will intern them, so far as it may be possible away from the theater of war.

They may be kept in camps, or even confined in fortresses or in places appropriated to this purpose.

It will decide whether the officers may be released on giving their parole not to quit the neutral territory without authority.

LIV. In default of a special agreement, the neutral State which receives the belligerent troops will furnish the interned with provisions, clothing, and such aid as humanity demands.

The expenses incurred by the internment will be made good at the conclusion of peace.

LV. The neutral State may authorize the transport across its territory of the wounded and sick belonging to the belligerent armies, provided that the trains which convey them do not carry either the *personnel* or *material* of war.

In this case the neutral State is bound to take the measures necessary for the safety and control of the operation.

LVI. The Convention of Geneva is applicable to the sick and wounded interned on neutral territory.

*Acte Final de la Conférence Inter-
nationale de la Paix*

La Conférence Internationale de la Paix, convoquée dans un haut sentiment d'humanité par Sa Majesté l'Empereur de Toutes les Russies, s'est réunie, sur l'invita-

*Final Act of the International
Peace Conference*

The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled on the invitation of the

tion du Gouvernement de Sa Majesté la Reine des Pays-Bas, à la Maison Royale du Bois, à La Haye, le 18 Mai, 1899.

Les Puissances, dont l'énumération suit, ont pris part à la Conférence, pour laquelle elles avaient désigné les Délégués nommés ci-après:

[Noms.]

Dans une série de réunions, tenues du 18 Mai au 29 Juillet, 1899, où les Délégués précités ont été constamment animés du désir de réaliser, dans la plus large mesure possible, les vues généreuses de l'auguste Initiateur de la Conférence et les intentions, de leurs Gouvernements, la Conférence a arrêté, pour être soumis à la signature des Plénipotentiaires, le texte des Conventions et Déclarations énumérées ci-après et annexées au présent Acte:

I. Convention pour le règlement pacifique des conflits internationaux.

II. Convention concernant les lois et coutumes de la guerre sur terre.

III. Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864.

IV. Trois Déclarations concernant:

1. L'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

Government of Her Majesty the Queen of the Netherlands in the Royal House in the Wood at the Hague, on the 18th May, 1899.

The Powers enumerated in the following list took part in the Conference, to which they appointed the Delegates named below:

[Names.]

In a series of meetings, between the 18th May and the 29th July, 1899, in which the constant desire of the Delegates above mentioned has been to realize, in the fullest manner possible, the generous views of the august Initiator of the Conference and the intentions of their Governments, the Conference has agreed, for submission for signature by the Plenipotentiaries, on the text of the Conventions and Declarations enumerated below and annexed to the present Act:

I. Convention for the peaceful adjustment of international differences.

II. Convention regarding the laws and customs of war by land.

III. Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of the 22d August, 1864.

IV. Three Declarations:

1. To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.

2. L'interdiction de l'emploi des projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.

3. L'interdiction de l'emploi de balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.

Ces Conventions et Déclarations formeront autant d'Actes séparés. Ces Actes porteront la date de ce jour et pourront être signés jusqu'au 31 Décembre, 1899, par les Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye.

Obéissant aux mêmes inspirations, la Conférence a adopté à l'unanimité la Résolution suivante:

"La Conférence estime que la limitation des charges militaires qui pèsent actuellement sur le monde est grandement désirable pour l'accroissement du bien-être matériel et moral de l'humanité."

Elle a, en outre, émis les vœux suivants:

1. La Conférence, prenant en considération les démarches préliminaires faites par le Gouvernement Fédéral Suisse pour la révision de la Convention de Genève, émet le vœu qu'il soit procédé à bref délai, à la réunion d'une Con-

2. To prohibit the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.

3. To prohibit the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.

These Conventions and Declarations shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 31st December, 1899, by the Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague.

Guided by the same sentiments, the Conference has adopted unanimously the following Resolution:

"The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind."

It has, besides, formulated the following wishes:

1. The Conference, taking into consideration the preliminary step taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a Special

férence spéciale ayant pour objet la révision de cette Convention.

Ce vœu a été voté à l'unanimité.

2. La Conférence émet le vœu que la question des droits et des devoirs des neutres soit inscrite au programme d'une prochaine Conférence.

3. La Conférence émet le vœu que les questions relatives aux fusils et aux canons de marine, telles qu'elles ont été examinées par elle, soient mises à l'étude par les Gouvernements, en vue d'arriver à une entente concernant la mise en usage de nouveaux types et calibres.

4. La Conférence émet le vœu que les Gouvernements, tenant compte des propositions faites dans la Conférence, mettent à l'étude la possibilité d'une entente concernant la limitation des forces armées de terre et de mer et des budgets de guerre.

5. La Conférence émet le vœu que la proposition tendant à déclarer l'inviolabilité de la propriété privée dans la guerre sur mer soit renvoyée, à l'examen d'une Conférence ultérieure.

6. La Conférence émet le vœu que la proposition de régler la question du bombardement des ports, villes, et villages par une force navale soit renvoyée, à l'examen d'une Conférence ultérieure.

Les cinq derniers vœux ont été

Conference having for its object the revision of that Convention.

This wish was voted unanimously.

2. The Conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the programme of a Conference in the near future.

3. The Conference expresses the wish that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibres.

4. The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.

5. The Conference expresses the wish that the proposal, which contemplates the declaration of the inviolability of private property in naval warfare, may be referred to a subsequent Conference for consideration.

6. The Conference expresses the wish that the proposal to settle the question of the bombardment of ports, towns, and villages by a naval force may be referred to a subsequent Conference for consideration.

The last five wishes were voted

votés à l'unanimité, sauf quelques abstentions.

En foi de quoi, les Plénipotentiaires ont signé le présent Acte, et y ont apposé leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui sera déposé, au Ministère des Affaires Étrangères, et dont des copies certifiées conformes, seront délivrées à toutes les Puissances représentées à la Conférence.

[Signatures.]

unanimously, saving some abstentions.

In faith of which, the Plenipotentiaries have signed the present Act, and have affixed their seals thereto.

Done at The Hague, 29th July, 1899, in one copy only, which shall be deposited in the Ministry for Foreign Affairs, and of which copies, duly certified, shall be delivered to all the Powers represented at the Conference.

[Signatures.]

Convention pour le Règlement Pacifique des Conflits Internationaux

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des Etats-Unis d'Amérique; le Président des Etats-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxem-

Convention for the Peaceful Adjustment of International Differences

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary; His Majesty the King of Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan,

bourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumaine; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam.; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie

Animés de la ferme volonté de concourir au maintien de la paix générale;

Résolus à favoriser de tous leurs efforts le règlement aimable des conflits internationaux;

Reconnaissant la solidarité qui unit les membres de la société des nations civilisées;

Volulant étendre l'empire du droit et fortifier le sentiment de la justice internationale;

Convaincus que l'institution permanente d'une juridiction arbitrale, accessible à tous, au sein des Puissances indépendantes peut contribuer efficacement à ce résultat;

Considérant les avantages d'une organisation générale et régulière de la procédure arbitrale;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

Animated by a strong desire to concert for the maintenance of the general peace;

Resolved to second by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

Estimant avec l'Auguste Initiateur de la Conférence Internationale de la Paix qu'il importe de consacrer dans un accord international les principes d'équité et de droit sur lesquels reposent la sécurité des Etats et le bien-être des Peuples;

Désirant conclure une Convention à cet effet ont nommé pour Leurs plénipotentiaires, savoir:

[Noms.]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

TITRE I.—DU MAINTIEN DE LA PAIX GÉNÉRALE.

ARTICLE 1.

En vue de prévenir autant que possible le recours à la force dans les rapports entre les Etats, les Puissances signataires conviennent d'employer tous leurs efforts pour assurer le règlement pacifique des différends internationaux.

TITRE II.—DES BONS OFFICES ET DE LA MÉDIATION.

ARTICLE 2.

En cas de dissentiment grave ou de conflit, avant d'en appeler aux armes, les Puissances signataires conviennent d'avoir recours, en tant que les circonstances le permettront, aux bons offices ou à la médiation d'une ou de plusieurs Puissances amies.

Sharing the opinion of the august Initiator of the International Peace Conference that it is expedient to record in an international Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous of concluding a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[Names.]

Who, after communication of their full powers, found in good and due form have agreed on the following provisions:

TITLE I.—ON THE MAINTENANCE OF THE GENERAL PEACE.

ARTICLE I.

With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

TITLE II.—ON GOOD OFFICES AND MEDIATION.

ARTICLE II.

In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE 3.

Indépendamment de ce recours, les Puissances signataires jugent utile qu'une ou plusieurs Puissances étrangères au conflit offrent de leur propre initiative, en tant que les circonstances s'y prêtent, leurs bons offices ou leur médiation aux Etats en conflit.

Le droit d'offrir les bons offices ou la médiation appartient aux Puissances étrangères au conflit, même pendant le cours des hostilités.

L'exercice de ce droit ne peut jamais être considéré par l'une ou l'autre des Parties en litige comme un acte non amical.

ARTICLE 4.

Le rôle de médiateur consiste à concilier les prétentions opposées et à apaiser les ressentiments qui peuvent s'être produits entre les Etats en conflit.

ARTICLE 5.

Les fonctions de médiateur cessent du moment où il est constaté, soit par l'une des Parties en litige, soit par le médiateur lui-même, que les moyens de conciliation proposés par lui ne sont pas acceptés.

ARTICLE 6.

Les bons offices et la médiation, soit sur le recours des Parties en conflit, soit sur l'initiative des Puissances étrangères au conflit, ont exclusivement le caractère de conseil et n'ont jamais force obligatoire.

ARTICLE III.

Independently of this recourse, the Signatory Powers recommend that one or more Powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

ARTICLE IV.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ARTICLE V.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE VI.

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never having binding force.

ARTICLE 7.

L'acceptation de la médiation ne peut avoir pour effet, sauf convention contraire, d'interrompre, de retarder ou d'entraver la mobilisation et autres mesures préparatoires à la guerre.

Si elle intervient après l'ouverture des hostilités, elle n'interrompt pas, sauf convention contraire, les opérations militaires en cours.

ARTICLE 8.

Les Puissances signataires sont d'accord pour recommander l'application, dans les circonstances qui le permettent, d'une Médiation spéciale sous la forme suivante.

En cas de différend grave compromettant la Paix, les Etats en conflit choisissent respectivement une Puissance à laquelle ils confient la mission d'entrer en rapport direct avec la Puissance choisie d'autre part, à l'effet de prévenir la rupture des relations pacifiques.

Pendant la durée de ce mandat dont le terme, sauf stipulation contraire, ne peut excéder trente jours, les Etats en litige cessent tout rapport direct au sujet du conflit, lequel est considéré comme déferé exclusivement aux Puissances médiatrices. Celles-ci doivent appliquer tous leurs efforts à régler le différend.

En cas rupture effective des relations pacifiques, ces Puissances

ARTICLE VII.

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

ARTICLE VIII.

The Signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are

demeurent chargées de la mission commune de profiter de toute occasion pour rétablir la paix.

charged with the joint task of taking advantage of any opportunity to restore peace.

TITRE III.—DES COMMISSIONS INTERNATIONALES D'ENQUÊTE.

ARTICLE 9.

Dans les litiges d'ordre international n'engageant ni l'honneur ni des intérêts essentiels et provenant d'une divergence d'appréciation sur des points de fait, les Puissances signataires jugent utile que les Parties qui n'auraient pu se mettre d'accord par les voies diplomatiques instituent, en tant que les circonstances le permettront, une Commission internationale d'enquête chargée de faciliter la solution de ces litiges en éclaircissant, par un examen impartial et consciencieux, les questions de fait.

ARTICLE 10.

Les Commissions internationales d'enquête sont constituées par convention spéciale entre les Parties en litige.

La convention d'enquête précise les faits à examiner et l'étendue des pouvoirs des commissaires.

Elle règle la procédure.

L'enquête a lieu contradictoirement.

La forme et les délais à observer, en tant qu'ils ne sont pas fixés par la convention d'enquête, sont déterminés par la commission elle-même.

TITLE III.—ON INTERNATIONAL COMMISSIONS OF INQUIRY.

ARTICLE IX.

In differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties who have not been able to come to an agreement by means of diplomacy, should as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE X.

The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the inquiry Convention, are decided by the Commission itself.

ARTICLE 11.

Les Commissions internationales d'enquête sont formées, auf stipulation contraire, de la manière déterminée par l'article 32 de la présente Convention.

ARTICLE 12.

Les Puissances en litige s'engagent à fournir à la Commission internationale d'enquête, dans la plus large mesure qu'Elles jugeront possible, tous les moyens et toutes les facilités nécessaires pour la connaissance complète et l'appréciation exacte des faits en question.

ARTICLE 13.

La Commission internationale d'enquête présente aux Puissances en litige son rapport signé par tous les membres de la Commission.

ARTICLE 14.

Le rapport de la Commission internationale d'enquête, limité à la constatation des faits, n'a nullement le caractère d'une sentence arbitrale. Il laisse aux Puissances en litige une entière liberté pour la suite à donner à cette constatation.

TITRE IV.—DE L'ARBITRAGE INTERNATIONAL.

CHAPITRE I.—*De la Justice Arbitrale.*

ARTICLE 15.

L'arbitrage international a pour objet le règlement de litiges entre

ARTICLE XI.

The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by Article XXXII of the present convention.

ARTICLE XII.

The powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

ARTICLE XIII.

The International Commission of Inquiry communicates its Report to the conflicting Powers, signed by all the members of the Commission.

ARTICLE XIV.

The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.

TITLE IV.—ON INTERNATIONAL ARBITRATION.

CHAPTER I.—*On the System of Arbitration.*

ARTICLE XV.

International arbitration has for its object the settlement of differ-

les Etats par des juges de leur choix et sur la base du respect du droit.

ARTICLE 16.

Dans les questions d'ordre juridique, et en premier lieu dans les questions d'interprétation ou d'application des conventions internationales, l'arbitrage est reconnu par les Puissances signataires comme le moyen le plus efficace et en même temps le plus équitable de régler les litiges qui n'ont pas été résolus par les voies diplomatiques.

ARTICLE 17.

La convention d'arbitrage est conclue pour des contestations déjà nées ou pour des contestations éventuelles.

Elle peut concerner tout litige ou seulement les litiges d'une catégorie déterminée.

ARTICLE 18.

La convention d'arbitrage implique l'engagement de se soumettre de bonne foi à la sentence arbitrale.

ARTICLE 19.

Indépendamment des traités généraux ou particuliers qui stipulent actuellement l'obligation du recours à l'arbitrage pour les Puissances signataires, ces Puissances se réservent de conclure, soit avant la ratification du présent Acte, soit postérieurement, des accords nouveaux, généraux ou particuliers, en vue d'étendre l'arbitrage obligatoire à tous les cas qu'elles jugeront possible de lui soumettre.

ences between States by judges of their own choice, and on the basis of respect for law.

ARTICLE XVI.

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

ARTICLE XVII.

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

ARTICLE XVIII.

The Arbitration Convention implies the engagement to submit loyally to the Award.

ARTICLE XIX.

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later, new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

CHAPITRE II.—*De la Cour Permanente d'Arbitrage.*

ARTICLE 20.

Dans le but de faciliter le recours immédiat à l'arbitrage pour les différends internationaux qui n'ont pu être réglés par la voie diplomatique, les Puissances signataires s'engagent à organiser une Cour permanente d'arbitrage, accessible en tout temps et fonctionnant, sauf stipulation contraire des Parties, conformément aux Règles de procédure insérées dans la présente Convention.

ARTICLE 21.

La Cour permanente sera compétente pour tous les cas d'arbitrage, à moins qu'il n'y ait entente entre les Parties pour l'établissement d'une juridiction spéciale.

ARTICLE 22.

Un Bureau international établi à La Haye sert de greffe à la Cour.

Ce Bureau est l'intermédiaire des communications relatives aux réunions de celle-ci.

Il a la garde des archives et la gestion de toutes les affaires administratives.

Les Puissances signataires s'engagent à communiquer au Bureau international de La Haye une copie certifiée conforme de toute stipulation d'arbitrage intervenue entre elles et de toute sentence arbitrale les concernant et rendue par des juridictions spéciales.

CHAPTER II.—*On the Permanent Court of Arbitration.*

ARTICLE XX.

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Signatory Powers undertake to organize a permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

ARTICLE XXI.

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

ARTICLE XXII.

An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

Elles s'engagent à communiquer de même au Bureau, les lois, règlements et documents constatant éventuellement l'exécution des sentences rendues par la Cour.

ARTICLE 23.

Chaque Puissance signataire désignera, dans les trois mois qui suivront la ratification par elle du présent acte, quatre personnes au plus, d'une compétence reconnue dans les questions de droit international, jouissant de la plus haute considération morale et disposées à accepter les fonctions d'arbitres.

Les personnes ainsi désignées seront inscrites, au titre de membres de la Cour, sur une liste qui sera notifiée à toutes les Puissances signataires par les soins du Bureau.

Toute modification à la liste des arbitres est portée, par les soins du Bureau, à la connaissance des Puissances signataires.

Deux ou plusieurs Puissances peuvent s'entendre pour la désignation en commun d'un ou de plusieurs membres.

La même personne peut être désignée par des Puissances différentes.

Les membres de la Cour sont nommés pour un terme de six ans. Leur mandat peut être renouvelé.

En cas de décès ou de retraite d'un membre de la Cour, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

They undertake also to communicate to the Bureau the Laws, Regulations, and documents eventually showing the execution of the awards given by the Court.

ARTICLE XXIII.

Within the three months following its ratification of the present Act, each Signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected shall be inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Signatory Powers.

Two or more Powers may agree on the selection in common of one or more Members.

The same person can be selected by different Powers.

The Members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

ARTICLE 24.

Lorsque les Puissances signataires veulent s'adresser à la Cour permanente pour le règlement d'un différend survenu entre elles, le choix des arbitres appelés à former le Tribunal compétent pour statuer sur ce différend, doit être fait dans la liste générale des membres de la Cour.

A défaut de constitution du Tribunal arbitral par l'accord immédiat des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux arbitres et ceux-ci choisissent ensemble un surarbitre.

En cas de partage des voix, le choix de surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du surarbitre est fait de concert par les Puissances ainsi désignées.

Le Tribunal étant ainsi composé, les parties notifient au Bureau leur décision de s'adresser à la Cour et les noms des arbitres.

Le Tribunal arbitral se réunit à la date fixée par les Parties.

Les membres de la Cour, dans l'exercice de leurs fonctions et en dehors de leur Pays, jouissent des privilèges et immunités diplomatiques.

ARTICLE XXIV.

When the Signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference, must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two Arbitrators, and these together choose an Umpire.

If the votes are equal, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the parties.

The Members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE 25.

Le Tribunal arbitral siège d'ordinaire à la Haye.

Le siège ne peut, sauf le cas de force majeure, être chargé par le Tribunal que de l'assentiment des Parties.

ARTICLE 26.

Le Bureau international de la Haye est autorisé à mettre ses locaux et son organisation à la disposition des Puissances signataires pour le fonctionnement de toute juridiction spéciale d'arbitrage.

La juridiction de la Cour permanente peut être étendue, dans les conditions prescrites par les Règlements, aux litiges existant entre des Puissances non signataires ou entre des Puissances signataires, et des Puissances non signataires, si les Parties sont convenues de recourir à cette juridiction.

ARTICLE 27.

Le Puissances signataires considèrent comme un devoir, dans le cas où un conflit aigu menacerait d'éclater entre deux ou plusieurs d'entre Elles, de rappeler à celles-ci que la Cour permanente leur est ouverte.

En conséquence, Elles déclarent que le fait de rappeler aux Parties en conflit les dispositions de la présente Convention, et le conseil donné, dans l'intérêt supérieur de la paix, de s'adresser à la Cour per-

ARTICLE XXV.

The Tribunal of Arbitration has its ordinary seat at The Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.

ARTICLE XXVI.

The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court, may, within the conditions laid down in the Regulations, be extended to disputes between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers, if the parties are agreed on recourse to this Tribunal.

ARTICLE XXVII.

The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have

manente ne peuvent être considérés que comme actes de Bons Offices.

ARTICLE 28.

Un Conseil administratif permanent composé des représentants diplomatiques des Puissances signataires accrédités à la Haye et du Ministre des Affaires Etrangères des Pays-Bas qui remplira les fonctions de Président, sera constitué dans cette ville le plus tôt possible après la ratification du présent Acte par neuf Puissances au moins.

Ce Conseil sera chargé d'établir et d'organiser le Bureau international, lequel demeurera sous sa direction et sous son contrôle.

Il notifiera aux Puissances la constitution de la Cour et pourvoira à l'installation de celle-ci.

Il arrêtera son règlement d'ordre ainsi que tous autres règlements nécessaires.

Il décidera toutes les questions administratives qui pourraient surgir touchant le fonctionnement de la Cour.

Il aura tout pouvoir quant à la nomination, la suspension ou la révocation des fonctionnaires et employés du Bureau.

Il fixera les traitements et salaires et contrôlera la dépense générale.

La présence de cinq membres dans les réunions dûment convoquées suffit pour permettre au

recourse to the Permanent Court, can only be regarded as friendly actions.

ARTICLE XXVIII.

A Permanent Administrative Council, composed of the Diplomatic Representatives of the Signatory Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

It will settle its Rules of Procedure and all other necessary Regulations.

It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension or dismissal of the officials and employés of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discus-

Conseil de délibérer valablement. Les décisions sont prises à la majorité des voix.

Le Conseil communique sans délai aux Puissances signataires les règlements adoptés par lui. Il leur adresse chaque année un rapport sur les travaux de la Cour, sur le fonctionnement des services administratifs et sur les dépenses.

ARTICLE 29.

Les frais du Bureau seront supportés par les Puissances signataires dans la proportion établie pour le Bureau international de l'Union postale universelle.

CHAPITRE III.—*De la Procédure Arbitrale.*

ARTICLE 30.

En vue de favoriser le développement de l'arbitrage, les Puissances signataires ont arrêté les règles suivantes qui seront applicables à la procédure arbitrale, en tant que les Parties ne sont pas convenues d'autres règles.

ARTICLE 31.

Les Puissances qui recourent à l'arbitrage signent un acte spécial (compromis) dans lequel sont nettement déterminés l'objet du litige ainsi que l'étendue des pouvoirs des arbitres. Cet acte implique l'engagement des Parties de se soumettre de bonne foi à la sentence arbitrale.

sions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Signatory Powers without delay the Regulations adopted by it. It furnishes them with an annual Report on the labours of the Court, the working of the administration, and the expenses.

ARTICLE XXIX.

The expenses of the Bureau shall be borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

CHAPTER III.—*On Arbitral Procedure.*

ARTICLE XXX.

With a view to encourage the development of arbitration, the Signatory Powers have agreed on the following Rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

ARTICLE XXXI.

The Powers who have recourse to arbitration sign a special Act ("Compromis"), in which the subject of the difference is clearly defined, as well as the extent of the Arbitrators' powers. This Act implies the undertaking of the parties to submit loyally to the award.

ARTICLE 32.

Les fonctions arbitrales peuvent être conférées à un arbitre unique ou à plusieurs arbitres désignés par les Parties à leur gré, ou choisis par Elles parmi les membres de la Cour permanente d'arbitrage établie par le présent Acte.

A défaut de constitution du Tribunal par l'accord immédiat des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux arbitres et ceux-ci choisissent ensemble un surarbitre.

En cas de partage des voix, le choix de surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du surarbitre est fait de concert par les Puissances ainsi désignées.

ARTICLE 33.

Lorsqu'un Souverain ou un Chef d'Etat est choisi pour arbitre, la procédure arbitrale est réglée par Lui.

ARTICLE 34.

Le surarbitre est de droit Président du Tribunal.

Lorsque le Tribunal ne comprend pas de surarbitre il nomme lui-même son président.

ARTICLE 35.

En cas de décès, de démission ou d'empêchement, pour quelque

ARTICLE XXXII.

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two arbitrators, and these latter together choose an Umpire.

In case of equal voting, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

ARTICLE XXXIII.

When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.

ARTICLE XXXIV.

The Umpire is by right President of the Tribunal.

When the Tribunal does not include an Umpire, it appoints its own President.

ARTICLE XXXV.

In case of the death, retirement, or disability from any cause of one

cause que ce soit, de l'un des arbitres, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 36.

Le siège du Tribunal est désigné par les Parties. A défaut de cette désignation le Tribunal siège à la Haye.

Le siège ainsi fixé ne peut, sauf le cas de force majeure, être changé par le Tribunal que de l'assentiment des Parties.

ARTICLE 37.

Les Parties ont le droit de nommer auprès du Tribunal des délégués ou agents spéciaux, avec la mission de servir d'intermédiaires entre Elles et le Tribunal.

Elles sont en outre autorisées à charger de la défense de leurs droits et intérêts devant le Tribunal, des conseils ou avocats nommés par Elles à cet effet.

ARTICLE 38.

Le tribunal décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

ARTICLE 39.

La procédure arbitrale comprend en règle générale deux phases distinctes: l'instruction et les débats.

L'instruction consiste dans la communication faite par les agents respectifs, aux membres du Tribunal et à la Partie adverse, de tous

of the Arbitrators, his place shall be filled in accordance with the method of his appointment.

ARTICLE XXXVI.

The Tribunal's place of session is selected by the parties. Failing this selection the Tribunal sits at The Hague.

The place thus fixed can not, except in case of necessity, be changed by the Tribunal without the assent of the parties.

ARTICLE XXXVII.

The parties have the right to appoint delegates or special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorized to retain, for the defense of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

ARTICLE XXXVIII.

The Tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.

ARTICLE XXXIX.

As a general rule the arbitral procedure comprises two distinct phases; preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the members of the Tribunal and to the oppo-

actes imprimés ou écrits et de tous documents contenant les moyens invoqués dans la cause. Cette communication aura lieu dans la forme et dans les délais déterminés par le Tribunal en vertu de l'article 49.

Les débats consistent dans le développement oral des moyens des Parties devant le Tribunal.

ARTICLE 40.

Toute pièce produite par l'une des Parties doit être communiquée à l'autre Partie.

ARTICLE 41.

Les débats sont dirigés par Président.

Ils ne sont publics qu'en vertu d'une décision du Tribunal, prise avec l'assentiment des Parties.

Ils sont consignés dans des procès-verbaux rédigés par des secrétaires que nomme le Président. Ces procès-verbaux ont seuls caractère authentique.

ARTICLE 42.

L'instruction étant close, le Tribunal a le droit d'écarter du débat tous actes ou documents nouveaux qu'une des Parties voudrait lui soumettre sans le consentement de l'autre.

ARTICLE 43.

Le Tribunal demeure libre de prendre en considération les actes ou documents nouveaux sur lesquels les agents ou conseils des Parties appelleraient son attention.

site party of all printed or written Acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance with Article XLIX.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

ARTICLE XL.

Every document produced by one party must be communicated to the other party.

ARTICLE XLI.

The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* alone have an authentic character.

ARTICLE XLII.

When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

ARTICLE XLIII.

The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

En ce cas, le Tribunal a le droit de requérir la production de ces actes ou documents, sauf l'obligation d'en donner connaissance à la Partie adverse.

ARTICLE 44.

Le Tribunal peut, outre, requérir des agents des Parties la production de tous actes et demander toutes explications nécessaires. En cas de refus le Tribunal en prend acte.

ARTICLE 45.

Les agents et les conseils des Parties sont autorisés à présenter oralement au Tribunal tous les moyens qu'ils jugent utiles à la défense de leur cause.

ARTICLE 46.

Ils ont le droit de soulever des exceptions et incidents. Les décisions du Tribunal sur ces points sont définitives et ne peuvent donner lieu à aucune discussion ultérieure.

ARTICLE 47.

Les membres du Tribunal ont le droit de poser des questions aux agents et aux conseils des Parties et de leur demander des éclaircissements sur les points douteux.

Ni les questions posées, ni les observations faites par les membres du Tribunal pendant le cours des débats ne peuvent être regardées comme l'expression des opinions du Tribunal en général ou de ses membres en particulier.

In this case, the Tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

ARTICLE XLIV.

The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

ARTICLE XLV.

The agents and counsel of the parties are authorized to present orally to the Tribunal all the arguments they may think expedient in defence of their case.

ARTICLE XLVI.

They have the right to raise objections and points. The decisions of the Tribunal on those points are final, and can not form the subject of any subsequent discussion.

ARTICLE XLVII.

The members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its members in particular.

ARTICLE 48.

Le Tribunal est autorisé à déterminer sa compétence en interprétant le compromis ainsi que les autres traités qui peuvent être invoqués dans la matière, et en appliquant les principes du droit international.

ARTICLE 49.

Le Tribunal a le droit de rendre des ordonnances de procédure pour la direction du procès, de déterminer les formes et délais dans lesquels chaque Partie devra prendre ses conclusions et de procéder à toutes les formalités que comporte l'administration des preuves.

ARTICLE 50.

Les agents et les conseils des Parties ayant présenté tous les éclaircissements et preuves à l'appui de leur cause, le Président prononce la clôture des débats.

ARTICLE 51.

Les délibérations du Tribunal ont lieu à huis clos. Toute décision est prise à la majorité des membres du Tribunal.

Le refus d'un membre de prendre part au vote doit être constaté dans le procès-verbal.

ARTICLE 52.

La sentence arbitrale, votée à la majorité des voix, est motivée. Elle est rédigée par écrit et signée par chacun des membres du Tribunal.

ARTICLE XLVIII.

The Tribunal is authorized to declare its competence in interpreting the "Compromis" as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

ARTICLE XLIX.

The Tribunal has the right to issue Rules of Procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE L.

When the agents and counsel, of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

ARTICLE LI.

The deliberations of the Tribunal take place in private. Every decision is taken by a majority of members of the Tribunal.

The refusal of a member to vote must be recorded in the *procès-verbal*.

ARTICLE LII.

The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each member of the Tribunal.

Ceux des membres qui sont restés en minorité peuvent constater, en signant, leur dissentiment.

ARTICLE 53.

La sentence arbitrale est lue en séance publique du Tribunal, les agents et les conseils de Parties présents ou dûment appelés.

ARTICLE 54.

La sentence arbitrale, dûment prononcée et notifiée aux agents des Parties en litige décide définitivement et sans appel la contestation.

ARTICLE 55.

Les Parties peuvent se réserver dans le compromis de demander la revision de la sentence arbitrale.

Dans ce cas et sauf convention contraire, la demande doit être adressée au Tribunal qui a rendu la sentence. Elle ne peut être motivée que par la découverte d'un fait nouveau qui eût été de nature à exercer une influence décisive sur la sentence et qui, lors de la clôture des débats, était inconnu du tribunal lui-même et de la Partie qui a demandé la revision.

La procédure de revision ne peut être ouverte que par une décision du Tribunal constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères prévus par le paragraphe précédent et déclarant à ce titre la demande recevable.

Those members who are in the minority may record their dissent when signing.

ARTICLE LIII.

The award is read out at a public meeting of the Tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

ARTICLE LIV.

The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitely and without appeal.

ARTICLE LV.

The parties can reserve in the "Compromis" the right to demand the revision of the award.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and which, at the time the discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

Le compromis détermine le délai dans lequel la demande de revision doit être formée.

ARTICLE 56.

La sentence arbitrale n'est obligatoire que pour les Parties qui ont conclu le compromis.

Lorsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Puissances que les Parties en litige, celles-ci notifient aux premières le compromis qu'elles ont conclu. Chacune de ces Puissances a le droit d'intervenir au procès. Si une ou plusieurs d'entre elles ont profité de cette faculté, l'interprétation contenue dans la sentence est également obligatoire à leur égard.

ARTICLE 57.

Chaque Partie supporte ses propres frais et une part égale des frais du Tribunal.

Dispositions générales.

ARTICLE 58.

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à la Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances, qui ont été représentées à la Conférence Internationale de la Paix de la Haye.

The "Compromis" fixes the period within which the demand for revision must be made.

ARTICLE LVI.

The award is only binding on the parties who concluded the "Compromis."

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the "Compromis" they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE LVII.

Each party pays its own expenses and an equal share of those of the Tribunal.

General provisions.

ARTICLE LVIII.

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

ARTICLE 59.

Les Puissances non signataires qui ont été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention. Elles auront à cet effet à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE 60.

Les conditions auxquelles les Puissances qui n'ont pas été représentées à la Conférence Internationale de la Paix, pourront adhérer à la présente Convention, formeront l'objet d'une entente ultérieure entre les Puissances contractantes.

ARTICLE 61.

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi les, Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs sceaux.

ARTICLE LIX.

The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

ARTICLE LX.

The conditions on which the Powers who were not represented as the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the Contracting Powers.

ARTICLE LXI.

In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherlands Government, and by it communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals to it.

Fait à la Haye, le vingt-neuf juillet mil huit cent quatre-vingt dix-neuf, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

[Signatures.]

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherlands Government, and copies of it, duly certified, be sent through the diplomatic channel to the Contracting Powers.

[Signatures.]

[The United States signed under reservation of the following declaration:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political question of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."]

[TRANSLATION.]

Convention Concernant les Lois et Coutumes de la Guerre sur Terre

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi de Belges; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des Etats-Unis d'Amérique; le Président des Etats-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la

Convention with respect to the Laws and Customs of War on Land

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her

Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie

Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc. His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Considérant que, tout en recherchant les moyens de sauvegarder la paix et de prévenir les conflits armés entre les nations, il importe de se préoccuper également du cas où l'appel aux armes serait amené par des événements que Leur sollicitude n'aurait pu détourner;

Animés du désir de servir encore, dans cette hypothèse extrême, les intérêts de l'humanité et les exigences toujours progressives de la civilisation;

Estimant qu'il importe, à cette fin, de reviser les lois et coutumes générales de la guerre, soit dans le but de les définir avec plus de pré-

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more

cision, soit afin d'y tracer certaines limites destinées à en restreindre autant que possible les rigueurs;

S'inspirant de ces vues recommandées aujourd'hui, comme il y a vingt-cinq ans, lors de la Conférence de Bruxelles de 1874, par une sage et généreuse prévoyance;

Ont, dans cet esprit, adopté un grand nombre de dispositions qui ont pour objet définir et de régler les usages de la guerre sur terre.

Selon le vœu des Hautes Parties contractantes, ces dispositions, dont la rédaction a été inspirée par le désir de diminuer les maux de la guerre, autant que les nécessités militaires le permettent, sont destinées à servir de règle générale de conduite aux belligérants, dans leurs rapports entre eux et avec les populations.

Il n'a pas été possible toutefois de concerter dès maintenant des stipulations s'étendant à toutes les circonstances qui se présentent dans la pratique.

D'autre part, il ne pouvait entrer dans les intentions des Hautes Parties Contractantes que les cas non prévus fussent, faute de stipulation écrite, laissées à l'appréciation arbitraire de ceux qui dirigent les armées.

En attendant qu'un code plus complet des lois de la guerre puisse être édicté, les Hautes Parties Contractantes jugent opportun de constater que, dans les cas non

precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by

compris dans les dispositions réglementaires adoptées par Elles, les populations et les belligérants restent sous la sauvegarde et sous l'empire des principes du droit des gens, tels qu'ils résultent des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

Elles déclarent que c'est dans ce sens que doivent s'entendre notamment les articles un et deux du Règlement adopté;

Les Hautes Parties contractantes désirant conclure une Convention à cet effet ont nommé pour Leurs plénipotentiaires, savoir:

[Noms]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ARTICLE 1.

Les Hautes Parties contractantes donneront à leurs forces armées de terre des instructions qui seront conformes au *Règlement concernant les lois et coutumes de la guerre sur terre*, annexé à la présente Convention.

ARTICLE 2.

Les dispositions contenues dans le Règlement visé à l'article premier ne sont obligatoires que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles I and II of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found in good and due form, have agreed on the following:

ARTICLE I.

The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the Laws and Customs of War on Land" annexed to the present Convention.

ARTICLE II.

The provisions contained in the Regulation mentioned in Article I are only binding on the Contracting Powers, in case of war between two or more of them.

Ces dispositions cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

ARTICLE 3.

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à la Haye.

Il sera dressé du dépôt de chaque ratification un *procès-verbal*, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances contractantes.

ARTICLE 4.

Les Puissances non signataires sont admises à adhérer à la présente Convention.

Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE 5.

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immé-

These provisions shall cease to be binding from the time when, in a war between Contracting Powers a non-Contracting Power joins one of the belligerents.

ARTICLE III.

The present Convention shall be ratified as speedily as possible.

The ratification shall be deposited at the Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel, to all the Contracting Powers.

ARTICLE IV.

Non-Signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

ARTICLE V.

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once

diatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à la Haye, le vingt neuf juillet mil huit cent quatre-vingt dix-neuf, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

ANNEXE.

Règlement Concernant les Lois et Coutumes de la Guerre sur Terre

SECTION I.—DES BELLIGÉRANTS.

CHAPITRE I.—*De la qualité de belligérant.*

ARTICLE 1.

Les lois, les droits et les devoirs de la guerre ne s'appliquent pas seulement à l'armée, mais encore aux milices et aux corps de volontaires réunissant les conditions suivantes:

1. d'avoir à leur tête une personne responsable pour ses subordonnés;
2. d'avoir un signe distinctif fixe et reconnaissable à distance;

communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

[TRANSLATION]

ANNEX TO THE CONVENTION

Regulations Respecting the Laws and Customs of War on Land

SECTION I.—On BELLIGERENTS.

CHAPTER I.—*On the Qualifications of Belligerents*

ARTICLE I.

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;

3. de porter les armes ouvertement et

4. de se conformer dans leurs opérations aux lois et coutumes de la guerre.

Dans les pays où les milices ou des corps de volontaires constituent l'armée ou en font partie, ils sont compris sous la dénomination *d'armée*.

ARTICLE 2.

La population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de s'organiser conformément à l'article premier, sera considérée comme belligérante si elle respecte les lois et coutumes de la guerre.

ARTICLE 3.

Les forces armées des parties belligérantes peuvent se composer de combattants et de non-combattants. En cas de capture par l'ennemi, les uns et les autres ont droit au traitement des prisonniers de guerre.

CHAPITRE II.—*Des prisonniers de guerre.*

ARTICLE 4.

Les prisonniers de guerre sont au pouvoir du Gouvernement ennemi, mais non des individus ou des corps qui les ont capturés.

3. To carry arms openly; and

4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE II.

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with Article I, shall be regarded a belligerent if they respect the laws and customs of war.

ARTICLE III.

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

CHAPTER II.—*On Prisoners of War.*

ARTICLE IV.

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

Ils doivent être traités avec humanité.

Tout ce qui leur appartient personnellement, excepté les armes, les chevaux et les papiers militaires, reste leur propriété.

ARTICLE 5.

Les prisonniers de guerre peuvent être assujettis à l'internement dans une ville, forteresse, camp ou localité quelconque, avec obligation de ne pas s'en éloigner au delà de certaines limites déterminées; mais ils ne peuvent être enfermés que par mesure de sûreté indispensable.

ARTICLE 6.

L'Etat peut employer, comme travailleurs, les prisonniers de guerre, selon leur grade et leurs aptitudes. Ces travaux ne seront pas excessifs et n'auront aucun rapport avec les opérations de la guerre.

Les prisonniers peuvent être autorisés à travailler pour le compte d'administrations publiques ou de particuliers, ou pour leur propre compte.

Les travaux faits pour l'Etat sont payés d'après les tarifs en vigueur pour les militaires de l'armée nationale exécutant les mêmes travaux.

Lorsque les travaux ont lieu pour le compte d'autres administrations publiques ou pour des particuliers, les conditions en sont réglées d'accord avec l'autorité militaire.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers remain their property.

ARTICLE V.

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

ARTICLE VI.

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

Le salaire des prisonniers contribuera à adoucir leur position, et le surplus leur sera compté au moment de leur libération, sauf défalcation des frais d'entretien.

ARTICLE 7.

Le Gouvernement au pouvoir duquel se trouvent les prisonniers de guerre est chargé de leur entretien.

A défaut d'une entente spéciale entre les belligérants, les prisonniers de guerre seront traités, pour la nourriture, le couchage et l'habillement, sur le même pied que les troupes du Gouvernement qui les aura capturés.

ARTICLE 8.

Les prisonniers de guerre seront soumis aux lois, règlements, et ordres en vigueur dans l'armée de l'Etat au pouvoir duquel ils se trouvent. Tout acte d'insubordination autorise, à leur égard, les mesures de rigueur nécessaires.

Les prisonniers évadés, qui seraient repris avant d'avoir pu rejoindre leur armée ou avant de quitter le territoire occupé par l'armée qui les aura capturés, sont passibles de peines disciplinaires.

Les prisonniers qui, après avoir réussi à s'évader, sont de nouveau faits prisonniers, ne sont passibles d'aucune peine pour la fuite antérieure.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

ARTICLE VII.

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

ARTICLE VIII.

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen. Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment for the previous flight.

ARTICLE 9.

Chaque prisonnier de guerre est tenu de déclarer, s'il est interrogé à ce sujet, ses véritables noms et grade et, dans le cas où il enfreindrait cette règle, il s'exposerait à une restriction des avantages accordés aux prisonniers de guerre de sa catégorie.

ARTICLE 10.

Les prisonniers de guerre peuvent être mis en liberté sur parole, si les lois de leur pays les y autorisent, et, en pareil cas, ils sont obligés, sous la garantie de leur honneur personnel, de remplir scrupuleusement, tant vis-à-vis de leur propre Gouvernement que vis-à-vis de celui qui les a faits prisonniers, les engagements qu'ils auraient contractés.

Dans le même cas, leur propre Gouvernement est tenu de n'exiger ni accepter d'eux aucun service contraire à la parole donnée.

ARTICLE 11.

Un prisonnier de guerre ne peut être contraint d'accepter sa liberté sur parole; de même le Gouvernement ennemi n'est pas obligé d'accéder à la demande du prisonnier réclamant sa mise en liberté sur parole.

ARTICLE 12.

Tout prisonnier de guerre, libéré sur parole et repris portant les armes contre le Gouvernement envers lequel il s'était engagé d'honneur, ou contre les alliés de

ARTICLE IX.

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

ARTICLE X.

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honour, scrupulously to fulfill, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

ARTICLE XI.

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

ARTICLE XII.

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honour, or against the allies of that

celui-ci, perd le droit au traitement des prisonniers de guerre et peut être traduit devant les tribunaux.

ARTICLE 13.

Les individus qui suivent une armée sans en faire directement partie, tels que les correspondants et les reporters de journaux, les vivandiers, les fournisseurs, qui tombent au pouvoir de l'ennemi et que celui-ci juge utile de détenir, ont droit au traitement des prisonniers de guerre, à condition qu'ils soient munis d'une légitimation de l'autorité militaire de l'armée qu'ils accompagnaient.

ARTICLE 14.

Il est constitué, dès le début des hostilités dans chacun des Etats belligérants et, le cas échéant, dans les pays neutres qui auront recueilli des belligérants sur leur territoire un Bureau de renseignements sur les prisonniers de guerre. Ce bureau, chargé de répondre à toutes les demandes qui les concernent, reçoit des divers services compétents toutes les indications nécessaires pour lui permettre d'établir une fiche individuelle pour chaque prisonnier de guerre. Il est tenu au courant des internements et des mutations, ainsi que des entrées dans les hôpitaux et des décès.

Le Bureau de renseignements est également chargé de recueillir et de centraliser tous les objets d'un usage personnel, valeurs, let-

Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

ARTICLE XIII.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

ARTICLE XIV.

A Bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of internments and changes, as well as of admissions into hospital and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, etc., found on

tres, etc., qui seront trouvés sur les champs de bataille ou délaissés par des prisonniers décédés dans les hôpitaux et ambulances, et de les transmettre aux intéressés.

ARTICLE 15.

Les sociétés de secours pour les prisonniers de guerre, régulièrement constituées selon la loi de leur pays et ayant pour objet d'être les intermédiaires de l'action charitable, recevront, de la part des belligérants, pour elles et pour leurs agents dûment accrédités, toute facilité, dans les limites tracées par les nécessités militaires et les règles administratives, pour accomplir efficacement leur tâche d'humanité. Les délégués de ces sociétés pourront être admis à distribuer des secours dans les dépôts d'internement, ainsi qu'aux lieux d'étape des prisonniers rapatriés, moyennant une permission personnelle délivrée par l'autorité militaire, et en prenant l'engagement par écrit de se soumettre à toutes les mesures d'ordre et de police que celle-ci prescrirait.

ARTICLE 16.

Les Bureaux de renseignements jouissent de la franchise de port. Les lettres, mandats et articles d'argent, ainsi que les colis postaux destinés aux prisonniers de guerre ou expédiés par eux, seront affranchis de toutes taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.

the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

ARTICLE XV.

Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of interment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their Regulations for order and police.

ARTICLE XVI.

The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Les dons et secours en nature destinés aux prisonniers de guerre seront admis en franchise de tous droits d'entrée et autres, ainsi que des taxes de transport sur les chemins de fer exploités par l'Etat.

ARTICLE 17.

Les officiers prisonniers pourront recevoir le complément, s'il y a lieu, de la solde qui leur est attribuée dans cette situation par les règlements de leur pays, à charge de remboursement par leur Gouvernement.

ARTICLE 18.

Toute latitude est laissée aux prisonniers de guerre pour l'exercice de leur religion, y compris l'assistance aux offices de leur culte, à la seule condition de se conformer aux mesures d'ordre et de police prescrites par l'autorité militaire.

ARTICLE 19.

Les testaments des prisonniers de guerre sont reçus ou dressés dans les mêmes conditions que pour les militaires de l'armée nationale.

On suivra également les mêmes règles en ce qui concerne les pièces relatives à la constatation des décès, ainsi que pour l'inhumation des prisonniers de guerre, en tenant compte de leur grade et de leur rang.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

ARTICLE XVII.

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

ARTICLE XVIII.

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

ARTICLE XIX.

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the National Army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20.

Après la conclusion de la paix, le rapatriement des prisonniers de guerre s'effectuera dans le plus bref délai possible.

CHAPITRE III.—*Des malades et des blessés.*

ARTICLE 21.

Les obligations des belligérants concernant le service des malades et des blessés sont régies par la Convention de Genève du 22 août 1864, sauf les modifications dont celle-ci pourra être l'objet.

SECTION II.—DES HOSTILITÉS.

CHAPITRE I.—*Des moyens de nuire à l'ennemi, des sièges et des bombardements.*

ARTICLE 22.

Les belligérants n'ont pas un droit illimité quant au choix des moyens de nuire à l'ennemi.

ARTICLE 23.

Outre les prohibitions établies par des conventions spéciales, il est notamment *interdit*:

- a. d'employer du poison ou des armes empoisonnées;
- b. de tuer ou de blesser par trahison des individus appartenant à la nation ou à l'armée ennemie;
- c. de tuer ou de blesser un ennemi qui, ayant mis bas les armes ou n'ayant plus les moyens de se défendre, s'est rendu à discrétion;

ARTICLE XX.

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

CHAPTER III.—*On the Sick and Wounded.*

ARTICLE XXI.

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22d August, 1864, subject to any modifications which may be introduced into it.

SECTION II.—ON HOSTILITIES.

CHAPTER I.—*On means of Injuring the Enemy, Sieges, and Bombardments.*

ARTICLE XXII.

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE XXIII.

Besides the prohibitions provided by special Conventions, it is especially prohibited:

- a. To employ poison or poisoned arms;
- b. To kill or wound treacherously individuals belonging to the hostile nation or army;
- c. To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;

d. de déclarer qu'il ne sera pas fait de quartier;

e. d'employer des armes, des projectiles ou des matières propres à causer des maux superflus;

f. d'user indûment du pavillon parlementaire, du pavillon national ou des insignes militaires et de l'uniforme de l'ennemi, ainsi que des signes distinctifs de la Convention de Genève;

g. de détruire ou de saisir des propriétés ennemies, sauf les cas où ces destructions ou ces saisies seraient impérieusement commandées par les nécessités de la guerre.

ARTICLE 24.

Les ruses de guerre et l'emploi des moyens nécessaires pour se procurer des renseignements sur l'ennemi et sur le terrain sont considérés comme *licites*.

ARTICLE 25.

Il est interdit d'attaquer ou de bombarder des villes, villages, habitations ou bâtiments qui ne sont pas défendus.

ARTICLE 26.

Le commandant des troupes assaillantes, avant d'entreprendre le bombardement, et sauf le cas s'attaque de vive force, devra faire tout ce qui dépend de lui pour en avertir les autorités.

ARTICLE 27.

Dans les sièges et bombardements, toutes les mesures nécessaires doivent être prises pour épargner, autant que possible, les

d. To declare that no quarter will be given;

e. To employ arms, projectiles, or material of a nature to cause superfluous injury;

f. To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

g. To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

ARTICLE XXIV.

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered allowable.

ARTICLE XXV.

The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited.

ARTICLE XXVI.

The Commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

ARTICLE XXVII.

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science,

édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les hôpitaux et les lieux de rassemblement de malades et de blessés, à condition qu'ils ne soient pas employés en même temps à un but militaire.

Le devoir des assiégés est de désigner ces édifices ou lieux de rassemblement par des signes visibles spéciaux qui seront notifiés d'avance à l'assiégeant.

ARTICLE 28.

Il est interdit de livrer au pillage même une ville ou localité prise d'assaut.

CHAPITRE II.—*Des espions.*

ARTICLE 29.

Ne peut être considéré comme espion quel individu qui, agissant clandestinement ou sous de faux prétextes, recueille ou cherche à recueillir des informations dans la zone d'opérations d'un belligérant, avec l'intention de les communiquer à la partie adverse.

Ainsi les militaires non déguisés qui ont pénétré dans la zone d'opérations de l'armée ennemie, à l'effet de recueillir des informations, ne sont pas considérés comme espions. De même, ne sont pas considérés comme espions: les militaires et les non-militaires, accomplissant ouvertement leur mission, chargés de transmettre de dépêches destinées soit à leur propre armée, soit à l'armée ennemie. A cette caté-

and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

ARTICLE XXVIII.

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*On Spies.*

ARTICLE XXIX.

An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in

gorie appartiennent également les individus envoyés en ballon pour transmettre les dépêches, et, en général, pour entretenir les communications entre les diverses parties d'une armée ou d'un territoire.

ARTICLE 30.

L'espion pris sur le fait ne pourra être puni sans jugement préalable.

ARTICLE 31.

L'espion qui, ayant rejoint l'armée à laquelle il appartient, est capturé plus tard par l'ennemi, est traité comme prisonnier de guerre et n'encourt aucune responsabilité pour ses actes d'espionnage antérieurs.

CHAPITRE III.—*Des parlementaires.*

ARTICLE 32.

Est considéré comme parlementaire l'individu autorisé par l'un des belligérants à entrer en pourparlers avec l'autre et se présentant avec le drapeau blanc. Il a droit à l'inviolabilité ainsi que la trompette, clairon ou tambour, le porte-drapeau et l'interprète qui l'accompagneraient.

ARTICLE 33.

Le Chef auquel un parlementaire est expédié n'est obligé de le recevoir en toutes circonstances.

Il peut prendre toutes les mes-

balloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

ARTICLE XXX.

A spy taken in the act cannot be punished without previous trial.

ARTICLE XXXI.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*On Flags of Truce.*

ARTICLE XXXII.

An individual is considered as bearing a flag of truce who is authorized by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flagbearer, and the interpreter who may accompany him.

ARTICLE XXXIII.

The Chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary

ures nécessaires afin d'empêcher le parlementaire de profiter de sa mission pour se renseigner.

Il a le droit, en cas d'abus de retenir temporairement le parlementaire.

ARTICLE 34.

Le parlementaire perd ses droits d'inviolabilité, s'il est prouvé, d'une manière positive et irrécusable, qu'il a profité de sa position privilégiée pour provoquer ou commettre un acte de trahison.

CHAPITRE IV.—*Des capitulations.*

ARTICLE 35.

Les capitulations arrêtées entre les parties contractantes doivent tenir compte des règles de l'honneur militaire.

Une fois fixées, elles doivent être scrupuleusement observées par les deux parties.

CHAPITRE V.—*De l'armistice.*

ARTICLE 36.

L'armistice suspend les opérations de guerre par un accord mutuel des parties belligérantes. Si la durée n'en est pas déterminée, les parties belligérantes peuvent reprendre en tout temps les opérations, pourvu toutefois que l'ennemi soit averti en temps convenu, conformément aux conditions de l'armistice.

to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE XXXIV.

The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*On Capitulations.*

ARTICLE XXXV.

Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honour.

When once settled, they must be scrupulously observed by both the parties.

CHAPTER V.—*On Armistices.*

ARTICLE XXXVI.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37.

L'armistice peut être général ou local. Le premier suspend partout les opérations de guerre des Etats belligérants; le second, seulement entre certaines fractions des armées belligérants et dans un rayon déterminé.

ARTICLE 38.

L'armistice doit être notifié officiellement et en temps utile aux autorités compétentes et aux troupes. Les hostilités sont suspendues immédiatement après la notification ou au terme fixé.

ARTICLE 39.

Il dépend des parties contractantes de fixer, dans les clauses de l'armistice, les rapports qui pourraient avoir lieu, sur le théâtre de la guerre, avec les populations et entre elles.

ARTICLE 40.

Toute violation grave de l'armistice, par l'une des parties, donne à l'autre le droit de le dénoncer et même, en cas d'urgence, de reprendre immédiatement les hostilités.

ARTICLE 41.

La violation des clauses de l'armistice, par des particuliers agissant de leur propre initiative, donne droit seulement à réclamer la punition des coupables et, s'il y a lieu, une indemnité pour les pertes éprouvées.

ARTICLE XXXVII.

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

ARTICLE XXXVIII.

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

ARTICLE XXXIX.

It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theater of war, with the population and with each other.

ARTICLE XL.

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

ARTICLE XLI.

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

SECTION III.—DE L'AUTORITÉ
MILITAIRE SUR LE TERRITOIRE
DE L'ÉTAT ENNEMI.

ARTICLE 42.

Un territoire est considéré comme occupé lorsqu'il se trouve placé de fait sous l'autorité de l'armée ennemie.

L'occupation ne s'étend qu'aux territoires où cette autorité est établie et en mesure de s'exercer.

ARTICLE 43.

L'autorité du pouvoir légal ayant passé de fait entre les mains de l'occupant, celui-ci prendra toutes les mesures qui dépendent de lui en vue de rétablir et d'assurer, autant qu'il est possible, l'ordre et la vie publiques en respectant, sauf empêchement absolu, les lois en vigueur dans le pays.

ARTICLE 44.

Il est interdit de forcer la population d'un territoire occupé à prendre part aux opérations militaires contre son propre pays.

ARTICLE 45.

Il est interdit de contraindre la population d'un territoire occupé à prêter serment à la puissance ennemie.

ARTICLE 46.

L'honneur et les droits de la famille, la vie des individus et la propriété privée, ainsi que les convictions religieuses et l'exercice des cultes, doivent être respectés.

SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY.

ARTICLE XLII.

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

ARTICLE XLIII.

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE XLIV.

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

ARTICLE XLV.

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

ARTICLE XLVI.

Family honours and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

La propriété privée ne peut pas être confisquée.

Private property cannot be confiscated.

ARTICLE 47.

Le pillage est formellement interdit.

ARTICLE XLVII.

Pillage is formally prohibited.

ARTICLE 48.

Si l'occupant prélève, dans le territoire occupé, les impôts, droits et péages établis au profit de l'Etat, il le fera, autant que possible, d'après les règles de l'assiette et de la répartition en vigueur, et il en résultera pour lui l'obligation de pourvoir aux frais de l'administration du territoire occupé dans la mesure où le Gouvernement légal y était tenu.

ARTICLE XLVIII.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

ARTICLE 49.

Si, en dehors des impôts visés à l'article précédent, l'occupant prélève d'autres contributions en argent dans le territoire occupé, ce ne pourra être que pour les besoins de l'armée ou de l'administration de ce territoire.

ARTICLE XLIX.

If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

ARTICLE 50.

Aucune peine collective, pécuniaire ou autre, ne pourra être édictée contre les populations à raison de faits individuels dont elles ne pourraient être considérées comme solidairement responsables.

ARTICLE L.

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

ARTICLE 51.

Aucune contribution ne sera perçue qu'en vertu d'un ordre

ARTICLE LI.

No tax shall be collected except under a written order and on the

écrit et sous la responsabilité d'un général en chef.

Il ne sera procédé, autant que possible, à cette perception que d'après les règles de l'assiette et de la répartition des impôts en vigueur.

Pour toute contribution un reçu sera délivré aux contribuables.

ARTICLE 52.

Des réquisitions en nature et des services ne pourront être réclamés des communes ou des habitants, que pour les besoins de l'armée d'occupation. Ils seront en rapport avec les ressources du pays et de telle nature qu'ils n'impliquent pas pour les populations l'obligation de prendre part aux opérations de la guerre contre leur patrie.

Ces réquisitions et ces services ne seront réclamés qu'avec l'autorisation du commandant dans la localité occupée.

Les prestations en nature seront, autant que possible, payées au comptant; sinon, elles seront constatées par des reçus.

ARTICLE 53.

L'armée qui occupe un territoire ne pourra saisir que le numéraire, les fonds et les valeurs exigibles appartenant en propre à l'Etat, les dépôts d'armes, moyens de transport, magasins et approvisionnements et, en général, toute propriété mobilière de l'Etat de nature à servir aux opérations de la guerre.

responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

ARTICLE LII.

Neither requisition in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

ARTICLE LIII.

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depôts of arms, means of transport, stores and supplies, and, generally all movable property of the State which may be used for military operations.

Le matériel des chemins de fer, les télégraphes de terre, les téléphones, les bateaux à vapeur et autres navires, en dehors des cas régis par la loi maritime, de même que les dépôts d'armes et en général toute espèce de munitions de guerre, même appartenant à des sociétés ou à des personnes privées, sont également des moyens de nature à servir aux opérations de la guerre, mais devront être restitués, et les indemnités seront réglées à la paix.

ARTICLE 54.

Le matériel des chemins de fer provenant d'Etats neutres, qu'il appartienne à ces Etats ou à des Sociétés ou personnes privées, leur sera renvoyé aussitôt que possible.

ARTICLE 55.

L'Etat occupant ne se considérera que comme administrateur et usufruitier des édifices publics, immeubles, forêts et exploitations agricoles appartenant à l'Etat ennemi et se trouvant dans le pays occupé. Il devra sauvegarder le fond de ces propriétés et les administrer conformément aux règles de l'usufruit.

ARTICLE 56.

Les biens des communes, ceux des établissements consacrés aux cultes, à la charité et à l'instruction, aux arts et aux sciences, même appartenant à l'Etat, seront traités comme la propriété privée.

Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as depôts of arms and, generally, all kinds of war material, even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

ARTICLE LIV.

The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

ARTICLE LV.

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

ARTICLE LVI.

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

Toute saisie, destruction ou dégradation intentionnelle de semblables établissements, de monuments historiques, d'œuvres d'art et de science, est interdite et doit être poursuivie.

SECTION IV.—DES BELLIGÉRANTS INTERNÉS ET DES BLESSÉS SOIGNÉS CHEZ LES NEUTRES.

ARTICLE 57.

L'Etat neutre qui reçoit sur son territoire des troupes appartenant aux armées belligérantes, les internera, autant que possible, loin du théâtre de la guerre.

Il pourra les garder dans des camps, et même les enfermer dans les forteresses ou dans des lieux appropriés à cet effet.

Il décidera si les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

ARTICLE 58.

A défaut de convention spéciale, l'Etat neutre fournira aux internés les vivres, les habillements et les secours commandés par l'humanité.

Bonification sera faite, à la paix, des frais occasionnés par l'internement.

ARTICLE 59.

L'Etat neutre pourra autoriser le passage sur son territoire des blessés ou malades appartenant

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

SECTION IV.—ON THE INTERNMENT OF BELLIGERENTS AND THE CARE OF THE WOUNDED IN NEUTRAL COUNTRIES.

ARTICLE LVII.

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

ARTICLE LVIII.

Failing a special Convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

ARTICLE LIX.

A neutral State may authorize the passage through its territory of wounded or sick belonging to

aux armées belligérantes, sous la réserve que les trains qui les amèneront ne transporteront ni personnel ni matériel de guerre. En pareil cas, l'Etat neutre est tenu de prendre les mesures de sûreté et de contrôle nécessaires à cet effet.

Les blessés ou malades amenés dans ces conditions sur le territoire neutre par un des belligérants, et qui appartiendraient à la partie adverse, devront être gardés par l'Etat neutre, de manière qu'ils ne puissent de nouveau prendre part aux opérations de la guerre. Celui-ci aura les mêmes devoirs quant aux blessés ou malades de l'autre armée qui lui seraient confiés.

ARTICLE 60.

La Convention de Genève s'applique aux malades et aux blessés interdés sur territoire neutre.

the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE LX.

The Geneva Convention applies to sick and wounded interned in neutral territory.

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements, s'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Petersbourg du 29 Novembre (11 Décembre), 1868,

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Déclarent:

Les Puissances Contractantes consentent, pour une durée de cinq ans, à l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénon-

Declare as follows:

The Contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of a similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such de-

ciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures.]

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements, s'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Petersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes s'interdisent l'emploi de balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain,

nunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and by it forthwith communicated to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The Contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets

telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouverne-

with a hard envelope which does not entirely cover the core, or is pierced with incisions.

The present Declaration is only binding for the Contracting Powers in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratification shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland

ment des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cet dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures.]

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements, s'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Petersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes s'interdisent l'emploi de projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.

La présente Déclaration n'est obligatoire que pour les Puissances

Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and have affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures.]

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The Contracting Powers agree to abstain from the use of projectiles the object of which is the diffusion of asphyxiating or deleterious gases.

The present Declaration is only binding on the Contracting Powers

Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents shall be joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers can adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Government of the Netherland, and forthwith communicated by it to all the other Contracting Powers.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance sui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en une seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures.]

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be sent by the diplomatic channel to the Contracting Powers.

[Signatures.]

[TRANSLATION.]

Convention pour l'Adaptation à la Guerre Maritime des Principes de la Convention de Genève du 22 Août 1864.

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des Etats-Unis d'Amérique; le Président des Etats-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impéra-

Convention for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864.

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United

trice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince le Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie

Également animés du désir de diminuer autant qu'il dépend d'eux les maux inséparables de la guerre et voulant dans ce but adapter à la guerre maritime les principes de la Convention de Genève du 22 août 1864, ont résolu de conclure une Convention à cet effet;

Ils ont en conséquence nommé pour Leurs Plénipotentiaires, savoir:

[Noms.]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22nd August, 1864, have decided to conclude a convention to this effect:

They have, in consequence, appointed as their Plenipotentiaries, to wit:

[Names.]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1.

Les bâtiments-hôpitaux militaires, c'est-à-dire les bâtiments construits ou aménagés par les Etats spécialement et uniquement en vue de porter secours aux blessés, malades et naufragés, et dont les noms auront été communiqués, à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage, aux Puissances belligérantes, sont respectés et ne peuvent être capturés pendant la durée des hostilités.

Ces bâtiments ne sont pas non plus assimilés aux navires de guerre au point de vue de leur séjour dans un port neutre.

ARTICLE 2.

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés de secours officiellement reconnues, sont également respectés et exempts de capture, si la Puissance belligérante dont ils dépendent, leur a donné une commission officielle et en a notifié les noms à la Puissance adverse à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

Ces navires doivent être porteurs d'un document de l'autorité compétente déclarant qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ final.

ARTICLE I.

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as men of-war as regards their stay in a neutral port.

ARTICLE II.

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

ARTICLE 3.

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés officiellement reconnues de pays neutres, sont respectés et exempts de capture, si la Puissance neutre dont ils dépendent leur a donné une commission officielle et en a notifié les noms aux Puissances belligérantes à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

ARTICLE 4.

Les bâtiments qui sont mentionnés dans les art. 1, 2 et 3, porteront secours et assistance aux blessés, malades et naufragés des belligérants sans distinction de nationalité.

Les Gouvernements s'engagent à n'utiliser ces bâtiments pour aucun but militaire.

Ces bâtiments ne devront gêner en aucune manière les mouvements des combattants.

Pendant et après le combat, ils agiront à leurs risques et périls.

Les belligérants auront sur eux le droit de contrôle et de visite; ils pourront refuser leur concours, leur enjoindre de s'éloigner, leur imposer une direction déterminée et mettre à bord un commissaire, même les détenir, si la gravité des circonstances l'exigeait.

Autant que possible, les belligérants inscriront sur le journal de

ARTICLE III.

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent powers at the commencement of or during hostilities and, in any case, before they are employed.

ARTICLE IV.

The ships mentioned in Articles I, II and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing

bord des bâtiments hospitaliers les ordres qu'ils leur donneront.

papers of the hospitals ships the orders they give them.

ARTICLE 5.

Les bâtiments-hôpitaux militaires seront distingués par une peinture extérieure blanche avec une bande horizontale verte d'un mètres et demi de largeur environ.

Les bâtiments qui sont mentionnés dans les articles 2 et 3, seront distingués par une peinture extérieure blanche avec une bande horizontale rouge d'un mètre et demi de largeur environ.

Les embarcations des bâtiments qui viennent d'être mentionnés, comme les petits bâtiments qui pourront être affectés au service hospitalier, se distingueront par une peinture analogue.

Tous les bâtiments hospitaliers se feront reconnaître en hissant, avec leur pavillon national, le pavillon blanc à croix rouge prévu par la Convention de Genève.

ARTICLE 6.

Les bâtiments de commerce, yachts ou embarcations neutres, portant ou recueillant des blessés, des malades ou des naufragés des belligérants, ne peuvent être capturés pour le fait de ce transport, mais ils restent exposés à la capture pour les violations de neutralité qu'ils pourraient avoir commises.

ARTICLE 7.

Le personnel religieux, médical et hospitalier de tout bâtiment cap-

ARTICLE V.

The military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a half in breadth.

The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a metre and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross provided by the Geneva Convention.

ARTICLE VI.

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, cannot be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

ARTICLE VII.

The religious, medical, or hospital staff of any captured ship is

turé est inviolable et ne peut être fait prisonnier de guerre. Il emporte, en quittant le navire, les objets et les instruments de chirurgie qui sont sa propriété particulière.

Ce personnel continuera à remplir ses fonctions tant que cela sera nécessaire et il pourra ensuite se retirer lorsque le commandant en chef le jugera possible.

Les belligérants doivent assurer à ce personnel tombé entre leurs mains la jouissance intégrale de son traitement.

ARTICLE 8.

Les marins et les militaires embarqués blessés ou malades, à quelque nation qu'ils appartiennent, seront protégés et soignés par les capteurs.

ARTICLE 9.

Sont prisonniers de guerre les naufragés, blessés ou malades, d'un belligérant qui tombent au pouvoir de l'autre. Il appartient à celui-ci de décider, suivant les circonstances, s'il convient de les garder, de les diriger sur un port de sa nation, sur un port neutre ou même sur un port de l'adversaire. Dans ce dernier cas, les prisonniers ainsi rendus à leur pays ne pourront servir pendant la durée de guerre.

ARTICLE 10.

[Exclu.]

inviolable, and its members cannot be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-Chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

ARTICLE VIII.

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

ARTICLE IX.

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated cannot serve as long as the war lasts.

ARTICLE X.

[Excluded.]

ARTICLE 11.

Les règles contenues dans les articles ci-dessus ne sont obligatoires que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Les dites règles cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

ARTICLE 12.

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à la Haye.

Il sera dressé du dépôt de chaque ratification un *procès-verbal*, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances contractantes.

ARTICLE 13.

Les Puissances non signataires, qui auront accepté la Convention de Genève du 22 août 1864, sont admises à adhérer à la présente Convention.

Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE XI.

The rules contained in the above Articles are binding only on the Contracting Powers, in case of War between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

ARTICLE XII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

ARTICLE XIII.

The non-Signatory Powers who accepted the Geneva Convention of the 22nd August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

ARTICLE 14.

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs cachets.

Fait à la Haye, le vingt-neuf juillet mil huit cent quatre-vingt dix-neuf, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

[Signatures.]

ARTICLE XIV.

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In testimony whereof the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which duly certified shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures.]

*Dissolution de L'Union Suédo-Norvégienne. Traitées du 29 octobre, 1905
Procès-verbal de signature, dressé à Stockholm le 26 octobre, 1905*

Les soussignés M. Thor de Ditten, Plénipotentiaire de la Norvège, d'un côté, de l'autre M. le Comte Axel Frédéric Claesson Wachmeister, Plénipotentiaire de la Suède,

Se sont réunis aujourd'hui en vue de convertir en Conventions formelles les projets de conventions:

1. concernant le règlement de différends par arbitrage;
2. relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc.;
3. concernant le droit des Lapons nomades au pacage pour les rennes, etc.;
4. concernant le trafic en transit; et
5. concernant les lacs et cours d'eau communs,

arrêtés à Karlstad par les délégués norvégiens et suédois, et approuvés par le Storthing norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, ainsi que de convertir en Acte conventionnel formel le projet d'acte séparé concernant les mesures visées aux articles 3 et 5 du projet de convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir les fortifications, etc., arrêté par les délégués mentionnés plus haut et approuvé, conformément à l'autorisation des représentations nationales respectives, par le Gouvernement norvégien le 10 octobre 1905, et par le Gouvernement suédois le 13 octobre 1905.

Les soussignés ont présenté les documents suivants:

du côté norvégien:

1 a) acte contenant les cinq projets de conventions susmentionnés, arrêtés par les délégués à Karlstad, en original norvégien;

b) acte contenant le projet d'acte séparé susmentionné, arrêté par les délégués à Karlstad, en original norvégien;

2. L'adresse du 9 octobre 1905, portant que le Storthing a approuvé, à condition qu'une décision analogue soit prise en Suède, les projets de conventions mentionnés sub 1. a), qui devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède;

3. extrait des procès-verbaux dressés à la session du Gouvernement norvégien le 10 octobre 1905, portant que le Gouvernement norvégien a, sur le rapport du Ministre de la Justice, approuvé, au nom de la Norvège, le projet d'acte séparé susmentionné;

4. L'adresse du 18 octobre 1905, portant que le Storthing autorise le Gouvernement norvégien à désigner un ou plusieurs plénipotentiaires por

signer, au nom de la Norvège, et sans réserve de ratification, les projets de conventions et d'acte séparé susmentionnés, en langues norvégienne, suédoise et française, lesquels devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède; et

5. pleins pouvoirs du Gouvernement norvégien pour M. de Ditten de signer les Conventions et l'Acte séparé susmentionnés;
du côté suédois:

1. a) acte contenant les cinq projets de conventions susmentionnés, arrêtés par les délégués à Karlstad, en original suédois;

b) acte contenant le projet d'acte séparé susmentionné, arrêté par les délégués à Karlstad, en original suédois;

2. l'adresse du 13 octobre 1905, portant que le Riksdag a approuvé, à condition qu'une décision analogue soit prise en Norvège, les projets de conventions mentionnés sub 1. a), qui devront sortir leur effet dès que la Suède aura reconnu la Norvège comme État séparé de l'union avec la Suède, et que le Riksdag a déclaré que cette approbation implique l'autorisation pour le Roi d'approuver, au nom de la Suède, le projet d'acte séparé;

3. extrait des procès-verbaux dressés au Conseil des ministres, présidé par le Roi, le 13 octobre 1905, portant que le Roi a, sur le rapport du Ministre de la Justice, approuvé, au nom de la Suède, le projet d'acte séparé;

4. l'adresse du 16 octobre 1905, portant que le Riksdag a, sur la proposition du Gouvernement, voté une loi concernant l'abrogation, de la part de la suède, de l'acte d'Union, laquelle loi devra entrer en vigueur dès que les traités auront été, dans les formes internationales d'usage, arrêtés en conformité des projets mentionnés sub 1. a) et b), et que le Riksdag a autorisé le Roi à reconnaître, au nom de la Suède, la Norvège comme État séparé, de l'union avec la Suède, sous réserve de la signature en due forme des dits traités;

5. extrait des procès-verbaux dressés au Conseil des ministres, présidé par le Roi, le 26 octobre 1905, portant que le Roi a décidé de promulguer la loi mentionnée sub 4. et de reconnaître, sous la réserve également visée sub 4., la Norvège comme état séparé de l'union avec la Suède; et

6. pleins pouvoirs du Gouvernement suédois pour M. le Comte Wachtmeister de signer les Conventions et l'Acte séparé susmentionnés.

Ayant pris connaissance mutuellement des documents présentés, lesquels ont été trouvés en bonne et due forme, et après avoir échangé les pleins pouvoirs, les soussignés ont déclaré que les Convention et l'Acte

séparé à signer seront considérés obligatoires à compter de ce jour, sans aucune ratification.

Après quoi les soussignés ont signé, en langues norvégienne, suédoise et française, et en double, les acts suivants, à savoir:

1. Convention concernant le règlement de différends par arbitrage;
2. Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc;
3. Convention concernant le droit des Lapons nomades au pacage pour les rennes, etc.;
4. Convention concernant le trafic en transit;
5. Convention concernant les lacs et cours d'eau communs; et
6. Acte séparé concernant les mesures visées aux articles 3 et 5 de la Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc.

En foi de quoi les Plénipotentiaires respectifs ont dressé le présent procès-verbal de signature, qui aura la même force et la même valeur que si les dispositions qu'il contient étaient insérées dans les-dits actes eux-mêmes.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. s.] V. DITTEN.

[L. s.] F. CLAESSON WACHTMEISTER.

[TEXTES ORIGINAUX.]

Convention concernant le règlement de différends par arbitrage.

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axtel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède, s'étant réunis en vue de convertir en Convention formelle le projet de convention concernant le règlement de différends par arbitrage, approuvé par le Storting norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent:

ARTICLE 1. Les deux États (s'engagent à soumettre à la Cour permanente d'Arbitrage, établie par la Convention du 29 juillet 1899, à la Haye, les différends qui viendraient à se produire entre eux et qui n'auraient pu être réglés par des négociations diplomatiques directes, à la condition toutefois qu'ils ne mettent en cause ni l'indépendance, ni l'intégrité, ni les intérêts vitaux de l'un ou de l'autre des États respectifs.

ART. 2. En cas de divergence sur le point de savoir si le différend qui

se sera produit met en cause les intégrités vitales de l'un ou de l'autre des États, et de ce chef doit être compris parmi ceux qui, aux termes de l'article précédent, sont exceptés de l'arbitrage obligatoire, la dite divergence sera soumise à la Cour d'Arbitrage susnommée.

ART. 3. La présente Convention recevra son application, même si les différends qui viendraient à se produire avaient leur origine dans les faits antérieurs à sa conclusion, mais elle ne s'appliquera pas aux différends relatifs à l'interprétation ou à l'application de conventions contenant une clause spéciale d'arbitrage, et par conséquent, pas aux différends relatifs à l'interprétation ou à l'application des conventions conclues à l'occasion de la dissolution de l'Union entre les deux États.

ART. 4. Lorsqu'il aura lieu à un arbitrage entre eux, les deux États, à défaut de clauses compromissaires contraires, se conformeront, pour tout ce qui concerne la désignation des arbitres et la procédure arbitrale, aux dispositions établies par la Convention du 29 juillet 1899, sauf en ce qui concerne les points indiqués ci-après.

ART. 5. Aucun des arbitres ne pourra être sujet de l'un ou de l'autre État, ni domicilié dans leurs territoires. Ils ne devront avoir aucun intérêt dans les questions qui feront l'objet de l'arbitrage.

ART. 6. Le compromis prévu par l'article 31 de la Convention du 29 juillet 1899 fixera un terme avant l'expiration duquel devra avoir lieu l'échange entre les deux États des mémoires et documents se rapportant à l'objet du différend. Cet échange sera terminé dans tous les cas avant l'ouverture des séances du Tribunal Arbitral.

Ces dispositions ne portent aucune atteinte à ce qui a été arrêté par la Convention de la Haye du 29 juillet 1899 concernant la seconde phase de la procédure arbitrale (article 39), notamment pas aux dispositions des articles 43 à 49.

ART. 7. S'il y a lieu, la sentence arbitrale contiendra l'indication des délais dans lesquels elle devra être exécutée.

ART. 8. La présente Convention aura la durée de dix ans, à partir du jour de la signature, et sera prolongée pour une période de la même durée, si elle n'est pas dénoncée par l'un ou l'autre des États aux moins deux ans avant l'expiration de la période décennale.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. s.] V. DITTEN,

[L. s.] F. CLASON WACHTMEISTER.

Convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc.

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède,

S'étant réunis en vue de convertir en Convention formelle le projet de convention relative à l'établissement d'une zone neutre, à la mise hors d'état de servir de fortifications, etc., approuvé par le Storting norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent;

ART. 1. Afin d'assurer des relations pacifiques entre les deux États, il sera établi, des deux côtés de la frontière commune, un territoire ("zone neutre") qui jouira des avantages d'une neutralité perpétuelle.

Cette zone sera limitée comme suit:

du côté norvégien par une ligne de démarcation allant, en ligne droite, par le Kirkö, en touchant la pointe nord-ouest du Singleö à l'église d'Ingedal et, de là, formant une succession de lignes droites passant par: l'église de Rokke, la pointe située sur la rive nord de l'embouchure du cours d'eau de Fredrickshald dans le Femsjö, l'embouchure, dans l'angle nord-est du Femsjö, du ruisseau passant près de la ferme de Röd, l'extrémité est du Klosatjern, l'extrémité est du Grefslivand (au nord de l'église de Haerland), la pointe s'avancant dans l'Ogderensjö au sud-ouest de Kraaktorp, le détroit entre le Mjermen et le Gaasefjord, l'Eidsdammen, l'extrémité sud-ouest du Dyrerudtjern (à l'extrémité nord du Liermosen), l'église d'Urskog, l'extrémité sud du Holmtjern, l'angle sud du Digersjö, l'extrémité nord du Skasensjö, l'extrémité est du Nordre Flögensjö, jusqu'au point où l'Ulva coupe le 61° parallèle.

du côté suédois par une ligne de démarcation partant de la pointe septentrionale du Nordkoster et formant une succession de lignes droites passant par: la pointe méridionale du Norra Langö, l'extrémité nord-est du lac de Färingen, l'extrémité nord-est du Lursjön, l'embouchure du fleuve ne Kynne dans le Södra Bullaren, l'extrémité sud-est du Södra Kornsjön, l'extrémité sud du Stora Le, l'extrémité ou est de l'Ognesjön, l'extrémité sud du Lysédstjärn, l'extrémité sud du Svalsjön, l'extrémité sud du Nässjön, l'extrémité sud du Bysjön, l'extrémité nord-ouest du lac de Kymmen, l'extrémité nord-ouest du Grunssjön, l'extrémité nord-ouest du Kläggan, l'extrémité nord du Mangen, l'extrémité ouest du Bredsjön, jusqu'au point où la rive droite du Klarälfven coupe le 61° parallèle;

Dans la dite zone sont compris les îles, flots et récifs, mais non pas les parties de la mer elle-même avec ses golfes, qui se trouvent dans les limites de la zone.

La neutralité de la dite zone sera complète. Il sera donc défendu à chacun des deux États de faire dans cette zone des opérations de guerre, de s'en servir comme point d'appui ou comme base d'opérations de ce genre et d'y faire stationner (sauf l'exception prévue par l'article 6) ou concentrer des forces militaires armées, sauf celles qui pourraient être nécessaires pour le maintien de l'ordre public ou pour porter secours en cas de sinistre. Si, l'un des États, il existe, ou si plus tard il y est construit des chemins de fer passant par une partie de la zone neutre de cet État dans une direction essentiellement parallèle à l'axe longitudinal de celle-ci, les présentes dispositions ne s'opposeront pas à l'emploi de ces chemins de fer pour les transports militaires de passage. Elles ne s'opposeront pas non plus à ce que des personnes, domiciliées dans la partie de zone de l'un des États et qui appartiennent à l'armée ou à la flotte, s'y réunissent pour être dirigées sans retard hors de la zone.

On ne pourra conserver dans la zone neutre et on ne pourra y établir à l'avenir ni fortifications, ni ports de guerre ni dépôts de provisions destinés à l'armée ou à la flotte.

Toutefois ces dispositions ne seront pas applicables au cas où les deux États se porteraient secours dans une guerre contre un ennemi commun. Si l'un des deux États se trouve en guerre avec une tierce Puissance, elles n'engageront pas non plus, pour la partie de la zone qui appartient à chacun d'eux, ni celui qui se trouve en guerre, ni l'autre, en tant qu'il s'agit pour celui-ci de faire respecter sa neutralité.

ART. 2. En vertu des dispositions précédentes, les fortifications qui se trouvent actuellement dans la zone neutre telle qu'elle a été établie ci-dessus seront démantelées, à savoir: les groupes de fortifications norvégiennes de Fredrikssten avec Gyldenløve, Overbjerget. Veden et Hjelm kollen, d'Orje avec Kroksund et d'Urskog (Dingsrud).

ART. 3. Les fortifications visées à l'article 2 seront mises hors d'état de servir en cette qualité; les ouvrages anciens de Fredrikssten et des forts de Gyldenløve et d'Overbjerget seront toutefois conservés, mais il sera défendu d'y faire des travaux d'entretien ayant un caractère de fortification.

Des stipulations plus détaillées relatives aux constructions modernes de ces trois forts, ainsi qu'aux mesures à prendre en ce qui touche les autres fortifications, seront insérées dans un acte séparé qui aura la même force et la même valeur que la présente Convention.

ART. 4. L'exécution des mesures visées à l'article 3 sera achevée au

plus tard huit mois après l'entrée en vigueur de la présente Convention.

ART. 5. Une commission composée de trois officiers de nationalité étrangère (ni norvégienne, ni suédoise) sera chargée de contrôler que les mesures visées à l'article 3 auront été dûment exécutées. De ces officiers un sera nommé par chacun des deux États et le troisième par les deux officiers ainsi désignés ou, dans le cas où ils ne pourraient tomber d'accord, par le Président du Conseil Fédéral Suisse.

Des dispositions plus détaillées relatives à ce contrôle seront insérées dans l'Acte séparé mentionné ci-dessus.

ART. 6. Fredrikssten pourra continuer à être le quartier du commandement militaire du district et celui de l'école de sous-officiers des forces ressortissant à ce commandement, le tout essentiellement sur le même pied qu'avant la construction des fortifications modernes.

ART. 7. Le groupe de fortifications de Kongsvinger ne pourra être augmenté, ni comme constructions, ni comme armement, ni comme garnison, le chiffre de cette dernière n'ayant pas, jusqu'ici, dépassé 300 hommes. Ne seront pas compris dans la garnison les hommes convoqués pour les exercices annuels. En application de la disposition ci-dessus, il ne pourra être établi de nouvelles fortifications dans un rayon de dix kilomètres autour de la forteresse ancienne de Kongsvinger.

ART. 8. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes seront, avec l'exception qui suit de l'article 5, soumis à un Tribunal Arbitral composé de trois membres dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'article 32 de la Convention de la Haye du 29 juillet 1899. Aucun des arbitres ne pourra être sujet de l'un ou de l'autre État, ni domicilié dans leurs territoires. Ils ne devront avoir aucun intérêt dans les questions qui feront l'objet de l'arbitrage.

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

ART. 9. La présente Convention entrera immédiatement en vigueur et ne pourra être dénoncée que d'un commun accord.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. s.] V. DITTEN.

[L. s.] F. CL: SON WACHTMEISTER.

Convention concernant le droit des Lapons nomades au pacage pour les rennes, etc.

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède,

S'étant réunis en vue de convertir en Convention formelle le projet de convention concernant le droit des Lapons nomades au pacage pour les rennes, etc, approuvé par le Storting norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent;

ARTICLE 1. Les deux États s'engagent, dans un but humanitaire, à continuer dorénavant de permettre, chacun sur son territoire, que les Lapons nomades de l'autre État jouissent; dans les proportions anciennes, des droits mentionnés dans la première annexe du traité de délimitation du 7/18 octobre 1751, chacun des deux États renonçant à toute prétention de pouvoir dénoncer ladite annexe sans le consentement de l'autre.

ART. 2. La loi de 1883 sur les Lapons nomades, qui remplace actuellement dans les deux États l'annexe susmentionnée, et qui a en dernier lieu été prorogée jusqu'à la fin de l'année 1709, sera prorogée pour une période de dix années encore, soit jusqu'à la fin de l'année 1917; toutefois, pour ce qui concerne son application pendant ladite période, il sera à observer ce qui suit:

1° Le droit qui revient aux Lapons de chacun des États de séjourner avec leurs rennes dans l'autre, sans l'autorisation des propriétaires fonciers ou fermiers intéressés, durant certains mois de l'année mentionnés dans ladite loi, ne pourra être exercé que dans les préfectures de Tromsø et de Nordland en Norvège et dans celles de Norrbotten et de Västerbotten en Suède;

2° Il ne sera pas permis aux Lapons passant de l'un des pays dans l'autre d'amener des rennes appartenant à des personnes ayant demeure fixe ou à des sociétés anonymes;

3° Les Lapons suédois ne pourront, sans l'autorisation des propriétaires fonciers ou fermiers intéressés, passer en Norvège avec leurs rennes ayant le 15 juin, à moins que des conditions météorologiques extraordinaires ne rendent une migration anticipée nécessaire. La Suède aura cependant le droit de soumettre à ses frais, à un Tribunal Arbitral constitué conformément à l'article 4 ci-dessous la question de savoir si et dans quelle mesure il est nécessaire pour les Lapons suédois, indépendamment de conditions météorologiques extraordinaires, de

passer en Norvège avant le 15 juin, et, dans ce cas, il sera donné suite à la décision du Tribunal Arbitral; dans aucune hypothèse cependant ladite migration ne pourra avoir lieu avant le 1 mai.

ART. 3. En temps utile avant la fin de l'année 1917, des négociations relatives à la revision des dispositions dans cette matière, en vigueur entre les deux États, seront engagées entre eux.

ART. 4. Les différends relatifs à l'interprétation ou à l'application des dispositions dans la matière, en vigueur en tout temps entre les deux États, et qui n'auront pu être réglés par des négociations diplomatiques directes, seront soumis à un Tribunal Arbitral composé de trois membres dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'article 32 de la Convention de la Haye du 29 juillet 1899.

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm en double expédition, le 26 octobre 1905.

[L. s.] V. DITTEN.

[L. s.] F. CL.: SON WACHTMEISTER.

Convention concernant le trafic en transit.

M. Thor de Ditten, Plénipotentiaire de la Norvège, et

M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède,

S'étant réunis en vue de convertir en Convention formelle le projet de convention concernant le trafic en transit, approuvé par le Storthing norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent:

ARTICLE 1. Chacun de deux États s'engage à ne pas empêcher ou gêner, par des prohibitions d'importation ou d'exportation, par des entraves apportées au transport ou par d'autres moyens, le transport des marchandises passant par son territoire et venant de l'autre État ou s'y rendant (marchandises en transit).

En cas d'hostilités avec une tierce Puissance ou entre tierces Puissances, ou bien dans d'autres cas extraordinaires, il pourra être fait, pour les armes, munitions ou autre matériel de guerre, et, en temps de guerre,

pour toutes marchandises ayant le caractère de contrebande de guerre, les exceptions provisoires exigées par le droit international ou commandées par le souci de la neutralité ou de la sûreté du pays. Il sera également permis de faire les exceptions provisoires nécessaires pour empêcher l'introduction ou la propagation d'épidémies ou d'épizooties.

ART. 2. Les marchandises en transit ne seront pas soumises à des droits de douane ou à d'autres droits analogues, ni frappées, du fait du transit, d'un droit spécial quelconque. Sur les marchandises consignées en entrepôts ou autres semblables, les droits établis pourront être perçus.

ART. 3. Les marchandises en transit, transportées par chemin de fer, ne seront pas soumises, dans le pays de transit, à un régime moins favorable que ce lui appliqué en général, dans ce pays, aux marchandises de la même catégorie. Elles n'auront par conséquent pas à acquitter, sous aucune forme, des taxes de transport plus élevées que celles résultant des tarifs appliqués de fait dans le dit pays. Si, pour certaine catégorie de marchandises, le pays de transit n'applique pas dans tous les cas le même tarif, les marchandises en transit n'auront à acquitter que les taxes de transport jugées équitables par rapport aux tarifs qui sont de fait appliqués en général en dedans des limites du pays de transit, abstraction faite des réductions spéciales consenties sur des lignes locales tertiaires ou pour des raisons exceptionnelles. Si, dans le pays de transit, le transport de certaine catégorie de marchandises est nul ou de peu d'importance, les marchandises en transit de cette catégorie n'auront à acquitter que les taxes de transports jugées équitables par rapport aux tarifs appliqués aux marchandises qui s'en rapprochent le plus.

Cet article s'applique à toute marchandise qui, venant de l'un des deux pays ou s'y rendant, traverse l'autre par une ligne de chemin de fer appartenant, en tout ou en partie, à l'État ou à une société dont l'État est un des associés. Si l'État ou une société dont l'État est un des associés cède une ligne, ou sa part d'une ligne, à un nouveau propriétaire, l'État restera garant de l'application, malgré cette cession, des dispositions du présent article.

ART. 4. Les marchandises en transit, ainsi que les navires affrétés pour leur transport, ne seront pas soumis, dans le pays de transit, à des droits de port ou de navigation ou à d'autres droits, de quelque nature que ce soit, plus élevés que ceux résultant des tarifs qui, dans le trafic international du pays de transit, sont de fait appliqués en général aux marchandises de la même catégorie, sans préjudice toutefois du droit des communes de percevoir des droits de port conformément à la législation générale.

Si certaine catégorie de marchandises ne figure point ou seulement avec des quantités peu importantes dans le trafic international du pays de transit, il ne sera pas perçu de droits plus élevés que ceux jugés équitables par rapport aux tarifs appliqués aux marchandises qui s'en rapprochent le plus.

ART. 5. Les dispositions ci-dessus seront appliquées même dans le cas où une marchandise en transit fait l'objet d'une réexpédition dans le pays de transit.

ART. 6. La présente Convention aura la durée de trente ans, à partir du 1^{er} janvier 1906, et sera prolongée pour une nouvelle période de la même durée, si elle n'est pas dénoncée par l'un des États au moins cinq ans avant l'expiration de la période de trente ans.

ART. 7. Les dispositions précédentes concernant les taxes de transport par chemin de fer n'infirmen en rien le contrat pour le transport de minerai sur la ligne d'Ofoten, conclu le 11/7 octobre 1898 entre l'État norvégien et la société anonyme de Loussavaara—Kiirunavaara, en ce qui concerne la quantité contractuelle de 1.200.000 tonnes. Si les gisements de Loussavaara—Kiirunavaara passent à un nouveau propriétaire, celui-ci ne pourra, en ce qui concerne le transport de la dite quantité, se prévaloir de la présente Convention pour obtenir d'autres conditions que celles stipulées par le contrat.

ART. 8. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes, seront soumis à un Tribunal Arbitral composé de trois membres dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'article 32 de la Convention de la Haye du 29 juillet 1899.

A défaut de clauses compromissoires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. S.] V. DITTEN.

[L. S.] F. CL: SON WACHTMEISTER.

Convention concernant les lacs et cours d'eau communs.

M. Thor de Ditten, Plénipotentiaire de la Norvège, et
M. le Comte Axel Frédéric Claesson Wachtmeister, Plénipotentiaire de la Suède,

S'étant réunis en vue de convertir en Convention formelle le projet de convention concernant les lacs et cours d'eau communs, approuvé par le Storting norvégien le 9 octobre 1905 et par le Riksdag suédois le 13 octobre 1905, et dûment autorisés à cet effet, ont signé, sans réserve de ratification, les articles qui suivent:

ARTICLE 1. S'il est question, sur le territoire de l'un des deux États, d'endiguer un lac, d'en abaisser le niveau ou d'en dériver les eaux, d'établir des constructions dans un cours d'eau, d'en dériver les eaux ou de prendre d'autres mesures en vue d'en modifier la profondeur, le lit ou la direction, c'est la législation de cet État qui sera appliquée en ce qui concerne le droit d'entreprendre les travaux, quand même ceux-ci pourraient influencer les eaux situées dans l'autre État. Les ressortissants de ce dernier État auront, pour faire valoir leurs droits, les mêmes facilités dont jouissent, dans des circonstances analogues, les ressortissants de l'État où seraient entrepris les travaux, et ils jouiront également des mêmes droits que ceux-ci pour tout ce qui concerne les conditions auxquelles est soumise l'exécution des dits travaux.

ART. 2. Conformément aux principes généraux du droit international, il est entendu que les travaux mentionnés à l'article 1 ne pourront être exécutés dans l'un des deux États sans le consentement de l'autre, chaque fois que ces travaux en influençant les eaux situées dans l'autre État, auraient pour effet soit de mettre des entraves sensibles à l'utilisation d'un cours d'eau pour la navigation ou le flottage, soit d'apporter autrement des changements sérieux aux eaux d'une région d'étendue considérable

ART. 3. En ce qui concerne l'ouverture, le maintien et l'utilisation d'un cours d'eau pour la navigation ou le flottage, les ressortissants de chacun des États jouiront dans l'autre des mêmes droits et libertés que le ressortissants du pays.

ART. 4. La présente Convention s'applique à tous les lacs et cours d'eau communs aux deux États. Seront considérés comme communs les lacs et cours d'eau qui servent de frontière entre les deux États ou qui sont situés dans les territoires des deux ou qui se déversent dans les dits lacs et cours d'eau.

ART. 5. La présente Convention aura la durée de cinquante ans, à partir du 1 janvier 1906, et sera prolongée pour une nouvelle période de la même durée, si elle n'est pas dénoncée par l'un des États au moins cinq ans avant l'expiration de la période de cinquante ans.

ART. 6. Les différends relatifs à l'interprétation ou à l'application de la présente Convention qui n'auront pu être réglés par des négociations diplomatiques directes, seront soumis à un Tribunal Arbitral

composé de trois membres dont un sera nommé par chacun des deux États et le troisième par les deux membres ainsi désignés, ou, s'ils ne peuvent tomber d'accord sur ce choix, par le Président du Conseil Fédéral Suisse, ou, subsidiairement, de la manière prévue par les deux derniers alinéas de l'article 32 de la Convention de la Haye du 29 juillet 1899.

A défaut de clauses compromissaires contraires, le Tribunal Arbitral déterminera le lieu de sa réunion et la procédure arbitrale.

Fait à Stockholm, en double expédition, le 26 octobre 1905.

[L. S.] V. DITTEN.

[L. S.] F. CL: SON WACHTMEISTER.

Convention between the United Kingdom and France Concerning the New Hebrides. Signed at London, October 20, 1906. (Ratifications exchanged at London, January 9, 1907.)

The Government of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Government of the French Republic, having agreed, in a spirit of mutual good-will, to confirm the Protocol, prepared in conformity with the Declaration of the 8th April, 1904, by their respective Delegates concerning the New Hebrides;

The Undersigned, the Right Honourable Sir Edward Grey, a Baronet of the United Kingdom, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs;

And His Excellency Monsieur Paul Cambon, Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

Duly authorized to this effect, confirm the Protocol, drawn up at London, the 27th day of February, 1906, the text of which is as follows:

PROTOCOL

The Undersigned, Eldon Gorst, Assistant Under-Secretary of State for Foreign Affairs, Knight Commander of the Most Honourable Order of the Bath; Hugh Bertram Cox, Assistant Under-Secretary of State for the Colonies, Companion of the Most Honourable Order of the Bath; Marcel Saint-Germain, Senator, President of the Council of Administration of

the Colonial Office at the Ministry of the Colonies, Officer of the Order of Public Instruction, Holder of the Colonial Medal; Edouard Picanon, Inspector-General of the Colonies of the First Class, Governor of French Guiana, Officer of the Legion of Honor, Officer of the Order of Public Instruction, delegated respectively by the Government of His Britannic Majesty and by the Government of the French Republic, in order to draw up, in conformity with the Declaration of the 8th of April, 1904, concerning the New Hebrides, an arrangement which shall put an end to the difficulties arising from the absence of jurisdiction over the natives of the New Hebrides and settle the disputes of their respective nationals in the said islands with regard to landed property, have agreed to the following provisions, which they have resolved to submit for the approval of their respective Governments:

PREAMBLE

The Government of His Britannic Majesty and the Government of the French Republic, being desirous of modifying, as far as the New Hebrides are concerned, the Convention of the 16th November, 1887, respecting the New Hebrides and the islands leeward of Tahiti, in order to secure the exercise of their paramount rights in the New Hebrides and to assure for the future the better protection of life and property in the Group, have agreed on the following Articles:—

GENERAL PROVISIONS

ARTICLE I. *Status*.—1. The Group of the New Hebrides, including the Banks and Torres Islands, shall form a region of joint influence, in which the subjects and citizens of the two Signatory Powers shall enjoy equal rights of residence, personal protection, and trade, each of the two Powers retaining jurisdiction over its subjects or citizens, and neither exercising a separate control over the Group.

2. The subjects or citizens of other Powers shall enjoy the same rights and shall be subject to the same obligations as British subjects or French citizens. They must choose within six months between the legal systems of one of the two Powers. Failing such choice, the High Commissioners mentioned in Article II or their Delegates shall decide under which system they shall be placed.

3. In all matters not contrary to the provisions of the present Convention or the regulations made thereunder, the subjects and citizens of

the two Signatory Powers and the subjects and citizens of other Powers shall, within the New Hebrides, remain subject to the fullest extent to the laws of their respective countries.

4. The two Signatory Powers undertake not to erect fortifications in the Group and not to establish penal settlements of any kind.

ART. II. *Local Authorities.—Police.*—1. The Signatory Powers shall be represented in the Group by two High Commissioners, one appointed by His Britannic Majesty's Government, the other by the Government of the French Republic.

2. The High Commissioners shall each be assisted by a Resident Commissioner, to whom they shall delegate their respective powers, in so far as they consider it expedient, and who shall represent them in the Group when they do not reside there.

3. The High Commissioners or their Delegates shall be provided with a police force of sufficient strength to guarantee effectively the protection of life and property.

4. The force shall be divided into divisions of equal strength. Each of these two divisions shall be under the orders of one of the two Resident Commissioners, and shall in no case be employed otherwise than in conformity with the principles laid down by the present Convention.

5. When it is necessary to employ some or all of both divisions of the force in conformity with the present convention or of the regulations framed for its execution, the force shall be under the joint direction of the High Commissioners or their Delegates.

ART. III. *Seat of Government.*—1. The headquarters of each Government in the Group and the Joint Court provided for in Article X shall be at Vila, in the Island of Efate.

2. The two Signatory Powers undertake respectively to provide their Representatives with houses, and shall jointly erect quarters for the members of the Joint Court, together with a court-house, and offices for the public services to be undertaken in common.

3. The land required for these buildings shall be acquired by the two Powers jointly either by agreement or, if necessary, compulsorily.

ART. IV. *Public Services undertaken in Common.*—1. The following public services shall be undertaken in common; police, posts and telegraphs, public works, ports and harbours, buoys and lighthouses, public health, finance.

2. These public services shall be organized and directed by the High Commissioners and their Delegates jointly.

3. Special postage stamps shall be issued for the New Hebrides, in conformity with the International Postal Convention.

4. English and French money and bank-notes authorized by either Power shall be legal tender in the Group.

ART. V. *Financial Provisions*.—1. Each of the two Signatory Powers shall defray the expenses of its own administration in the Group.

2. The expenses of the Joint Court and of the public services undertaken in common shall be defrayed out of local taxes, to be imposed by the High Commissioners jointly, the receipts from fines and from the postal service, and all other revenue of a joint character.

In the event of the revenue from the above proving insufficient, the two Signatory Powers shall each pay one-half of the deficit.

ART. VI. *Joint Naval Commission*.—1. It shall be the duty of the Joint Naval Commission established by Article II of the Convention of the 16th November, 1887, to co-operate in maintaining order in the Group.

2. Except in case of urgency, it shall only act on the joint request of the two High Commissioners or their Delegates.

3. The Convention of the 16th November, 1887, the Declaration signed in Paris on the 26th January, 1888, between the British and French Governments, and the Regulations adopted on the same day by the two Governments as instructions for the Joint Naval Commission, shall remain in force, except where contrary to the present Convention.

4. The Joint Naval Commission shall send copies of the reports on its operations to each of the two High Commissioners and to each of the two Resident Commissioners.

ART. VII. *Legislation—Regulations*.—The High Commissioners shall have power to issue jointly, for the peace, order, and good government of the Group, as well as for the execution of the measures resulting from the present Convention, local regulations binding on all the inhabitants of the Group, and to enforce such regulations by penalties not exceeding one month's imprisonment or a fine of £20.

ART. VIII. *Native Administration*.—1. In the present Convention "native" means any person of the aboriginal races of the Pacific who is not a citizen or subject under the protection of either of the two Signatory Powers.

2. No native, as defined above, shall acquire in the Group the status of subject or citizen or be under the protection of either of the two Signatory Powers.

3. The High Commissioners and their Delegates shall have authority over the native Chiefs. They shall have power to make administrative and police regulations binding on the tribes, and to provide for their enforcement.

4. They shall respect the manners and customs of the natives, where not contrary to the maintenance of order and the dictates of humanity.

ART. IX. *Civil Status of the Natives.*—1. The persons appointed by the High Commissioners or their Delegates to receive declarations of births, deaths, and marriages for the subjects or citizens of their respective countries shall receive and enter on their registers all declarations of the same character which natives may wish to make for the purpose of acquiring civil status.

2. Entries so made shall be kept in a general register at the Registry of the Joint Court.

JOINT COURT

ART. X. *Composition.*—1. A Joint Court shall be established, consisting of three Judges, of whom one shall be President. A fourth officer shall act as Public Prosecutor, and shall have charge of the preliminary enquiries.

The Court shall be provided with a Registrar and the requisite staff.

2. Each of the two Governments shall appoint one Judge.

His Majesty the King of Spain shall be invited to appoint the third, who shall be President of the Court. The officer who acts as Public Prosecutor shall be appointed in the same manner. Neither of these two officers shall be a British subject or a French citizen.

The Registrar and the staff shall be appointed by the President.

3. If either of the two Governments considers that it has a cause of complaint against the President of the Joint Court, or the officer acting as Public Prosecutor, it shall inform the other Government.

If both Governments agree, they shall request His Majesty the King of Spain to appoint another person to fill the post.

If they disagree, His Majesty the King of Spain shall determine whether the complaint is justified, and whether the officer complained of shall be retained or superseded.

4. The arrangements as to salaries, travelling allowances, leave, acting appointments, and, in general, all matters relating to the working of the Joint Court, shall be settled by common agreement between the two Governments.

ART. XI. *Assessors.*—1. In the trial of criminal cases, the Joint Court shall be assisted by four Assessors, taken from the leading non-native inhabitants of the Group.

2. The Assessors shall be chosen by lot from a list drawn up jointly by the High Commissioners or their Delegates at the beginning of each year.

3. The Assessors shall have a vote in deciding the question of the guilt of the accused, but a consultative voice only in deciding the sentence.

1. The prosecutor and the defendant may each challenge two of the Assessors.

ART. XII. *Jurisdiction*.—The Joint Court shall have jurisdiction:

1. In civil (including commercial) cases:

A. Over all suits respecting land in the Group;

B. Over suits of every kind between natives and non-natives.

2. In police and criminal cases:

Over every offence or crime committed by natives against non-natives.

3. Generally:

Over the particular offences constituted by the present Convention or the regulations framed for the purpose of carrying it out.

ART. XIII. *Law applicable*.—The law applied shall be:

1. In civil (including commercial cases):

A. For land disputes, the principles laid down by the present Convention;

B. For other disputes, the law of the country to which the non-native party belongs or the legal system made applicable to him.

2. In police and criminal cases:

The law applicable to the non-native party injured.

3. In the case of other offences:

The principles laid down by the present Convention, or by the regulations framed for the purpose of carrying it out.

ART. XIV. *Procedure*.—1. The procedure before the Joint Court shall be based on the following:

A. In civil (including commercial) cases, the procedure followed: In England, in county courts; in France, before "justices de paix;"

B. In police cases, the procedure employed: In England, in courts of summary jurisdiction; in France, in police courts;

C. In criminal cases, the procedure employed: In England, in courts of quarter session; in France, in correctional courts.

2. The Joint Court shall determine and publish in the Group the modifications in the rules of procedure which may be necessitated by local circumstances, by the differences between the two systems of law, and by the provisions of the present Convention.

ART. XV. *Finality of Judgments*.—The judgments of the Joint Court shall be final.

ART. XVI. *Fees and Costs*.—1. The Court shall prescribe a table of fees to be taken in cases with which it deals, and for the registration of titles to land.

2. It shall determine the amount to be paid in respect of counsel's fees.

ART. XVII. *Counsel*.—1. A party may appear before the Joint Court by counsel.

2. With the exception specified in section 3 hereafter, every counsel must be first approved by the Court. The Court shall be empowered to suspend or withdraw the right of pleading.

3. The High Commissioners or their Delegates shall jointly appoint an official advocate to assist and represent before the Joint Court any native engaged in any suit or charged in a police or criminal case.

The fees of the official advocate, payable as prescribed by Article XVI above, shall be included in the joint budget.

4. A native may, however, if he so desires, be assisted by any other advocate whom he may select.

ART. XVIII. *Official Languages*.—Either the English or French language may be employed in proceedings before the Joint Court. In a suit between British subjects and French citizens, the proceedings shall be interpreted and the judgments shall be drawn up in both languages. The registers of the Court shall be kept in both languages.

ART. XIX. *Execution of the Judgments of the Joint Court*.—1. The execution of judgments shall be provided for:

A. In case of land disputes, by the High Commissioners or their Delegates acting in concert;

B. In civil cases, other than land disputes, and in police or criminal cases, or breach of regulations, by the High Commissioner or the Resident Commissioner of the country to which the non-native party or injured person belongs;

C. In the case of other offences committed by natives, either by the Resident Commissioners acting jointly or by officers jointly appointed for this purpose.

2. The authority charged with the execution of the penalty in a criminal or police case may reduce or remit such penalty.

ART. XX. *National Jurisdiction*.—1. The two Governments mutually undertake to establish in the Group, in conformity with their existing legal systems, Courts with jurisdiction over all civil suits, subject to the reservations and exceptions laid down in the present Convention.

2. Civil suits between non-natives, other than land suits, shall be brought before the Court having jurisdiction over the defendant.

3. In criminal cases, non-natives shall be justiciable by the Court of their own nationality or the nationality applied to them.

ART. XXI. *Suits brought by consent before the Joint Court.*—1. Both non-natives and natives may, where the parties consent, bring their suit before the Joint Court.

2. In suits between non-natives, the law applicable to the defendant shall be applied; the same rule shall be followed with regard to procedure, subject to Article XIV above.

3. In suits between natives, the Court shall decide according to substantial justice, respecting, as far as possible, the native customs and the general principles of law. It may determine, as required, the procedure to be followed, reducing it to the minimum consistent with the proper administration of justice.

PROVISIONS RELATING TO LAND.

ART. XXII. *Land Suits between Non-natives and Natives.*—1. In land suits, the rights of non-natives may be proved either by occupation or by title-deeds establishing the sale or grant of the land in question.

2. When occupation is made the sole ground of a claim to ownership, visible and material proofs must be forthcoming, such as buildings, plantations, cultivation, cattle-rearing, improvements, clearings, or fencing. Occupation must be *bona fide*, and have been continuous during three years at least.

3. When the claim to property is based on a title-deed coupled with occupation, the Court shall endeavour to ascertain whether the holder of the title-deed has substantially asserted his occupation by material acts showing that he has taken possession, such as: improvements of the land in any manner, even in part; construction of roads, bridges, or paths; surveys; delimitation; erection of sign posts to mark boundaries; habitual enjoyment of the produce; or other acts proving open exercise of the right of ownership. The Court shall decide how far these acts can be held to cover the whole extent of the property in dispute, and shall confirm the claim in whole or in part accordingly.

4. When the claim to a property is founded on a title-deed alone, and this title-deed has been either lodged in a notary's office or registered in New Caledonia, Fiji, or the New Hebrides, at a date subsequent to the 31st December, 1895, or else, on a title-deed which, whatever its date, has not been lodged in a notary's office or registered, this title-deed can only be rendered void if it is proved:

a. That the agreement is not signed by the vendor or grantor, or by some person duly authorized by him, or that if the vendor or grantor did not know how to write or was incapable of signing, the agreement is not attested by two witnesses or in some other manner that establishes its authenticity according to English or French law;

b. That the vendor or grantor did not understand the effect of the agreement;

c. That the agreement was obtained by fraud, violence, or other improper means;

d. That the terms and conditions of the agreement have not been fulfilled;

e. That the land sold was not the land of the vendor or grantor or his tribe.

If the Court finds that the rights of the vendor or grantor extended only to part of the land in dispute, it may recognize the sale or grant to the extent of such part, and fix the boundaries thereof.

5. When the title-deed establishing the sale or grant of the land in dispute has been either lodged in a notary's office or registered in New Caledonia, Fiji, or the New Hebrides, at a date prior to the 1st January, 1896.

A. The right of action cannot be admitted:

a. Unless the claimant can prove, according as he acts in his own name or in his own personal interests or as Chief of his tribe and in its interests, that he or his tribe have a present right to the occupation of the land in dispute, and that this right would be infringed. If this right extends to part only of the property in dispute, the Court shall only entertain the action as to this part, if necessary, fixing the boundaries thereof;

b. If it is proved that prior to the 1st January, 1896, a transaction took place indicating that the title-deed applied to a property held lawfully and in good faith; in particular, if it has been conveyed regularly and in good faith between non-natives for valuable consideration in accordance with the regulations and forms prescribed by the law of civilized peoples.

If in such a case the Court should, nevertheless, consider that the rights of the native claimant or his tribe would be infringed, it may, while confirming the title, order the payment of reasonable compensation to the said native party, or may reserve a portion of the land for this party in conformity with the general declaration contained in Article XXIV hereafter.

B. When the right of action is admitted, and the case is considered on the merits, the title-deed can only be invalidated if it is proved:

a. That the agreement is not signed by the vendor or grantor, or by some person duly authorized by him, or that, if the vendor or grantor did not know how to write, or was incapable of signing, the agreement is not attested by two witnesses or in some other manner that establishes its authenticity according to English or French law;

b. That the agreement was obtained by fraud, violence, or other improper means;

c. That the land granted or sold was not the land of the vendor or grantor or his tribe.

If the Court finds that the rights of the vendor or grantor or his tribe extended only to a part of the land in dispute, it may recognize the sale or grant to the extent of that part, and fix the boundaries thereof. The Court may, in any case except where bad faith has been proved on the part of the grantee, confirm the title to the whole or part of the property, subject to the reservation for the native claimants, if the circumstances require it, of sufficient land for their needs, and the determination of the rights of way or other easements to be secured to them over the whole country.

ART. XXIII. *Land Suits between Non-natives.*—1. When no question arises as to the original land transaction with the natives, the Court shall be bound by the laws of the defendant's country.

2. Whenever questions do arise as to the original transaction with the native, the Regulations laid down in Article XXII shall be observed by the Court in all that concerns that transaction.

In cases covered by the same Article [5 (A), (b), 2d paragraph] the Court shall indicate, if necessary, by which of the non-native litigants the payment of compensation is due.

3. When the Court, upon the evidence before it, considers that it cannot decide the questions that arise as to the original transaction with the native—as, for instance, when it is confronted with two or more title-deeds, neither of which it is able to confirm as giving a good title—the Court shall decide according to the circumstances of the case, due regard being paid to priority of title.

ART. XXIV. *Provisions common to all Land Suits.*—1. In cases where land acquired in good faith has been improved or cultivated on the strength of a title which is found to be defective, this title may be confirmed in whole or in part upon the payment by the occupier to the person or persons entitled thereto of an indemnity, the amount of which shall be determined by the Court.

2. If the Court considers it necessary to decree the eviction of a *bond fide* occupier, it may order the payment of reasonable compensation to him.

3. Whenever it shall consider it necessary, the Court may assign to native claimants reserves of land in proportion to their requirements, and may determine the easements necessary to secure to them the full enjoyment of these reserves.

4. An occupier or holder of a title-deed who has been evicted shall, in the case of subsequent sale or grant of land and unless his bad faith has been established, enjoy a prior claim to the repurchase of the property from which he has been evicted. If the owner and the occupier or holder of a title-deed who has been evicted should disagree as to the amount to be fixed as the price of repurchase, the Court shall determine the amount. If there are several evicted persons claiming to exercise the prior right above specified, the Court shall fix, according to the facts of the case, the order in which these persons shall be entitled to exercise this right.

5. When a title-deed to a disputed property does not contain an adequate description of the land, the Court shall investigate and determine the situation and boundaries thereof.

6. It shall be the first duty of the Court, in all land suits, to endeavour to effect an amicable arrangement between the litigants.

7. Generally, the Court shall, in its decisions, pay due regard to the interests of the native populations and those of the non-native purchasers whose bad faith has not been established.

ART. XXV. *Entry of Judgments*.—1. When the Court, in conformity with the above regulations, shall have decided that a claim is valid, its decision shall be entered in a land register.

This entry shall declare:

A. The situation, extent, and boundaries of the land in question;

B. The nature of the rights granted, and any limitations thereof.

2. A copy of the entry shall constitute a conclusive title to land.

ART. XXVI. *Registration of Titles*.—1. Any person may, though no dispute exists, require the Court to enter in the above-mentioned register a title-deed in his favour, and may obtain a copy thereof duly certified.

2. The Court shall cause the applications for registration to be published in the prescribed form. They shall be complied with and given effect to unless, within a period of one year from the date of their publication, they have been opposed. In case of opposition, the Court shall deal with them in accordance with the provisions of Articles XXII,

XXIII, and XXIV above, and action must be taken by the objector before the Court within six months, or his claim will be barred.

3. Copies of the entries in the register issued in accordance with the above provisions shall constitute title-deeds transferable by way of endorsement. No subsequent charge on or transfer of property shall affect the land unless and until it is entered in the register and inscribed on the copy issued.

ART. XXVII. *Sales and Grants of Land subsequent to the Convention.*—1. From the date when the present Convention comes into operation, no sale or grant of land by a native to a non-native shall be valid, except on the following conditions:

2. The sale or grant shall be effected by a written document, and shall take place in the presence of four witnesses, two of whom shall be natives, and of an officer or agent of one of the two Signatory Powers, or some other person duly authorized for the purpose, either by the President of the Joint Court or by the High Commissioners or their Delegates acting in concert.

3. The officer, agent, or persons duly authorized shall testify to the presence and qualification of the witnesses, shall ascertain that the vendor or grantor was a free agent, understood the effect of his act, received the price or consideration agreed on, and was satisfied therewith, shall state these facts on the title-deed; shall mention in it the situation and boundaries of the land; and shall date and sign it, at the same time as the parties and witnesses capable of signing.

4. The purchaser or grantee shall, within six months from the date of the deed, make an application to the Joint Court for registration. This application shall be dealt with in accordance with Article XXVI of the present Convention.

5. If the Court considers that the price or consideration mentioned in the deed is manifestly inadequate, having regard to the importance of the land granted or sold, it may, as a preliminary to registration, order the payment of a larger sum or a further consideration.

6. In the event of the grantee failing to comply with the decision of the Court within six months from the date of such decision, the sale shall be cancelled *in toto*, and the sum of money or the consideration received by the native restored.

7. If the native is unable to restore such sum, the Court shall decide how much of the property represents the sum or consideration received by the native, and shall confirm the grantee in possession of such part.

8. Whenever the High Commissioners or their Delegates jointly consider that the amount of land acquired from the natives in one of the

islands of the Group is so great that the land remaining undisposed of is indispensable for the needs of the natives, they may prohibit any new sale or grant of land in such island to non-natives.

9. Land reserved for the natives, either by the Joint Court, in accordance with Article XXIV of this Convention, or by the High Commissioners of their Delegates, under the preceding paragraph, may not be sold or granted to non-natives so long as the authority by whom the reserve was constituted does not cancel or modify its decision.

SUPERVISION OF SHIPPING

ART. XXVIII. *Vessels registered in the Group.*—1. No vessels other than those intended to sail under the flag of one of the two Signatory Powers shall be registered in the Group of the New Hebrides, including the Banks and Torres Islands.

2. Each High Commissioner shall prescribe the regulations affecting the navigation in the Group of the vessels sailing under the flag of the Power which he represents.

3. The High Commissioners, the Resident Commissioners, and the persons appointed for the purpose shall, with regard to vessels sailing in the Group under the flag of the Power which they represent, exercise respectively the supervision, protection, and policing necessary to insure the carrying out of these regulations without prejudice to the rights to which the vessels of that Power are legally entitled.

ART. XXIX. *Vessels not registered in the Group.*—The present Convention shall not affect the rules laid down by the respective laws and regulations of the Power under whose flag the vessel sails, in the case of any vessel registered outside the Group.

ART. XXX. *General Rules for all Vessels.*—1. The High Commissioners shall jointly prescribe general rules applicable to all vessels, with regard to the conditions under which these vessels may use the ports and harbours of the Group.

2. They shall jointly enforce these rules, either personally or through their Delegates.

RECRUITMENT OF NATIVE LABOURERS

ART. XXXI. *Recruiting License.*—1. No vessel shall recruit native labourers in the New Hebrides, including the Banks and Torres Islands, unless she sails under the flag of one of the two Signatory Powers, and unless she is provided with a recruiting license issued by the High Com-

missioner representing the Signatory Power under whose flag the vessel is sailing, or by his Delegate.

2. In the case of professional recruiters, the recruiting license shall only be issued on the deposit of 80£., as security, with the agent appointed by the High Commissioner, whose duty it will be to issue the recruiting license, or by his Delegate.

3. The High Commissioners shall inform one another every month of recruiting licenses which they have issued. The same rule shall apply to their Delegates.

4. The recruiting licenses shall be valid for one year only.

ART. XXXII. *Register of Engagements*.—All masters of recruiting vessels shall keep a register of engagements, in which there shall be entered without delay the name, sex, identification marks, the name of the tribe, place of recruiting, and place of destination of every native recruited, the name of the employer, the length of the engagement, the sum agreed upon by way of premium and wages, and the amount of the advance paid to the native at the time of engagement.

ART. XXXIII. *Engagement of Women and Children*.—1. Women shall only be engaged:—

If they are married, with the consent of their husbands;

If they are unmarried, with the consent of the Head of the tribe.

Children shall only be engaged if they are of a certain minimum height, to be fixed by the Resident Commissioners jointly.

ART. XXXIV. *Length of Engagements*.—1. No engagements shall be concluded for more than three years.

2. They shall date from the day the labourer lands in the island where he is to be employed, but the time spent on board ship by the labourer shall count for wages.

ART. XXXV. *Deaths on Board Recruiting Vessels*.—1. A report in duplicate on every death occurring on board a recruiting vessel shall be drawn up immediately by the master. Such report shall describe the circumstances under which the death occurred.

2. Within twenty-four hours an inventory in duplicate shall also be drawn up of the effects left on board by the deceased. The amount of the wages to which the labourer is entitled from the day of engagement to the day of his death shall be stated in this inventory.

3. The master shall, on arrival, transmit to the competent authority a copy of the report and inventory, as well as the objects and articles of value belonging to the deceased, and the premium and wages to which he was entitled.

The second copy of the report and the inventory shall be annexed to the register of engagements.

ART. XXXVI. *Sickness of Labourers on Landing*.—Every native recruited who, on landing, is found to be in such a state of health as to incapacitate him for the work for which he was engaged, shall be cared for at the expense of the recruiter, and the time spent in hospital and the time during which he is unable to work shall be included in the term of engagement.

ART. XXXVII. *Delivery of Labourers to their Employers*.—A recruiter who is acting as an agent for other persons cannot divest himself of his responsibility for the natives whom he has engaged until the signature of the employer has been affixed by the register of engagements opposite the name of the labourer.

ART. XXXVIII. *Submission of Registers of Engagements on Arrival*.—1. Within twenty-four hours of their arrival, all masters of recruiting vessels shall be obliged to present their register of engagements for signature by the competent person.

2. If irregularities are detected in the operations of the recruiter or in the keeping of the register of engagements, an official report shall be immediately drawn up by the person to whom the register has been submitted. This report shall be sent without delay to the competent authority.

The same course shall be followed if the register is not produced within the prescribed period.

ART. XXXIX. *Notification of Engagements*.—1. Every engagement of a native labourer shall be notified by his employer within three days from the date of landing.

The notification shall be made to the Resident Commissioner, to whose jurisdiction the employer is subject, or to the person appointed for the purpose.

2. The notification shall be registered, and the contract shall be signed by the Resident Commissioner, or by the person appointed for the purpose.

3. The two Resident Commissioners shall communicate to each other every month a list of the notifications of engagements received by them, or by the persons appointed for the purpose.

ART. XL. *Re-engagement*.—1. At the termination of the period of his engagement the labourer shall not enter into a fresh engagement—if he has not been previously sent home—without an authority in writing from the Resident Commissioner entitled to receive the notification of engagement, or from the person appointed for the purpose.

2. The authority shall only be given after the native has been examined in the presence of the employer, two non-native witnesses, and two witnesses, selected as far as possible from the same tribe as the labourer, and if the latter, of his own free will, declares that he wishes to re-engage.

3. No re-engagement shall exceed the term of one year. It shall be renewable on the same conditions.

ART. XLI. *Records of Engagements*.—1. Every employer shall keep posted up to date a separate record for each labourer in his service.

2. There shall be entered in this record the name and sex of the labourer, the identification marks, the name of the tribe, the place and date of recruiting, the name of the recruiter, the name of the vessel, and the duration and conditions of his engagement, as stipulated in the contract.

The days of absence from work on account of illness shall be entered by the employer in the record, and also any other days of absence.

ART. XLII.—*Additional Periods of Work*.—1. The time lost through absence without good cause shall be added to the term of engagement.

2. A labourer may further be retained after his term of engagement expires as a punishment for breaches of discipline to which he has been duly sentenced. In such case, the additional period of labour shall not exceed two months for each year of engagement.

ART. XLIII. *Transfer of Engagements*.—1. No transfer of a contract of engagement shall be permitted unless freely accepted by the labourer and authorized by the Resident Commissioner entitled to receive the notification of engagement, or by the person appointed for the purpose.

2. If the transfer is between British subjects or French citizens, the authority shall be jointly given by the two Resident Commissioners.

ART. XLIV. *Duties of Employers*.—1. Employers must treat their labourers with kindness. They shall refrain from all violence towards them.

2. They must supply them with sufficient food, according to the custom of the country, including rice, at least once a day, as part of their meals.

The Resident Commissioners shall fix jointly the amount of rice to be supplied to the labourers.

3. Employers must further provide their labourers with adequate shelter, the necessary clothing, and medical care in case of illness.

ART. XLV. *Working Hours*.—1. Labourers shall not be obliged to work except between sunrise and sunset.

2. They shall have daily, at the time of their mid-day meal, at least one clear hour of rest.

3. Except for domestic duties and the care of animals, labourers shall not be obliged to work on Sundays.

ART. XLVI. *Payment of Wages.*—1. Wages shall be paid exclusively in cash.

2. Payment shall be made, either before a person appointed for the purpose by the Resident Commissioner entitled to receive the notification of engagement, or, failing this, in the presence of two non-native witnesses, who shall certify the payment in the record above referred to by affixing their signatures by the side of that of the employer.

3. When it is obviously impossible for an employer to make use of this method of verification, he shall himself be authorized by the competent Resident Commissioner, or by the person appointed for the purpose, to enter the payment of the wages in the record.

4. Whenever the record does not show the rate of wages agreed upon at the time of the engagement, the rate shall be taken to be 10s. a month, and the employer shall not be allowed to produce evidence to show that a lower rate had been agreed upon.

ART. XLVII. *Deposit of Wages.*—1. Part of the wages may be deposited by the employers with the Resident Commissioner entitled to receive the notification of engagement, or the person appointed for the purpose, to be paid subsequently to the labourer, either during the term of engagement or at the expiration of such term, according as he desires.

The free consent of the labourer must be given before any part of his wages can be so dealt with.

2. The Resident Commissioner or the person appointed for the purpose may at any time order the retention and deposit of part of a labourer's salary.

ART. XLVIII. *Punishments.*—Any labourer who has given his employer just cause of complaint in respect of his conduct or work may, at the instance of his employer, be punished by the Resident Commissioner concerned or the person appointed for the purpose, by the imposition of extra work, by a fine, by prolongation of the term of engagement, within the limits provided in Article XLII, or by a summary punishment not exceeding one month's imprisonment.

ART. XLIX. *Absence without good Cause.*—1. Any labourer who without permission leaves his employer shall be liable in like manner to one of the summary punishments prescribed by preceding Article, and shall be sent back to his employer to finish his term of engagement.

2. No one shall receive or employ or take on board any vessel a labourer who has left his employer without permission.

ART. L. *Death during Engagements.*—In the event of the death of a labourer, the employer shall be subject to the same obligations as those imposed by Article XXXV on masters of recruiting vessels.

ART. LI. *Repatriation.*—1. Every labourer who has completed his term of engagement shall be returned to his home at the first convenient opportunity by and at the expense of his employer.

2. Such labourer shall be taken back to the place where he was recruited, or, if this is impossible, to the nearest place thereto, from which the labourer can without danger rejoin his tribe.

3. In the case of unjustifiable delay exceeding one month in returning a labourer, the Resident Commissioner concerned, or the person appointed for the purpose, shall provide, at the expense of the employer, for the return of the labourer to his home at the earliest opportunity.

4. In case of persistent ill-treatment of a labourer, the Resident Commissioner concerned shall have the right, after two written warnings addressed to the employer, to cancel the contract and provide for the return home of the labourer at the employer's expense.

5. The Resident Commissioner concerned may in like manner cancel the contract and return a labourer to his home if the labourer did not freely consent to the engagement, or if he did not clearly understand and freely accept the terms of the engagement. In that case the expenses of returning him to his home shall be borne by the recruiter.

ART. LII. *Register of Repatriation.*—1. The names of labourers returned to their homes shall be entered on a register kept by the master of the vessel, in a similar form to that prescribed by Article XXXII, for keeping the register of engagements.

2. The signature of the employer upon the register shall prove that the labourer who is to be returned to his home has been handed over to the master of the vessel.

3. The master shall enter in the register the date when the native so to be returned to his home was put on shore, and shall mention the exact spot where he was landed.

4. The rules prescribed by Article XXXVIII with regard to the submission and signature of the register of engagements shall be applicable to the register of repatriation.

ART. LIII. *Death during the Return Passage.*—In the event of the death of a labourer occurring during the return passage, the master of the vessel shall proceed as prescribed by Article XXXV.

ART. LIV. *Powers of Control.*—1. The High Commissioners, the

Resident Commissioners, and the persons appointed by them for the purpose, shall have, with regard to their respective nationals, the right to employ any method of inquiry which may be necessary to ensure, as far as the recruiting and engagement of native labourers are concerned, the execution of the present Convention.

Employers shall be bound, for this purpose, to produce any labourer at the request of the competent authority.

2. A report shall be drawn up with regard to any irregularity or breach of regulations which may be discovered, and shall be forwarded without delay to the competent authority. The report shall be *prima facie* evidence of the facts stated therein.

ART. LV. *Short Engagements and Employment of Native Labourers without Engagement*.—1. Non-natives may employ natives without restriction provided that they are not engaged for more than three months, with the option of renewal, and provided they are not removed to an island more than 10 miles from the island of their tribe.

2. They may, in any case, employ without restriction natives who are known to have served non-natives for at least five years, and who are familiar with a European language or the vernacular in use between non-natives and natives.

ART. LVI. *Penalties*.—1. Any infringement by non-natives of the terms of the present Convention regarding the recruiting and engagement of native labourers shall be punishable by a fine of from 4s. to 20l. and by imprisonment of from one day to one month, or by either of the above penalties.

2. Damages may also be awarded to labourers for any injury suffered by them.

3. The Joint Court shall inflict the penalties and assess the damages.

4. In the event of conviction on a serious charge, or for a second offence, the recruiting licence, as well as the right of engaging labourers, may be withdrawn for a period not exceeding two years by the High Commissioner for the country to which the recruiter or employer belongs.

ARMS, AMMUNITION, AND INTOXICATING LIQUORS

ART. LVII. *Prohibition of the Sale of Arms and Ammunition to Natives*.—1. Subject to the specific exceptions hereafter enumerated, no person shall from the date when the present Convention comes into operation, sell or supply arms or ammunition to the natives, either directly or indirectly, in the New Hebrides, including the Banks and Torres Islands, and within the territorial waters of the Group.

2. Shot guns and cartridges for sporting purposes are exempted.

3. The present prohibition shall extend to rifles, revolvers, and other repeating weapons and the ammunition used for such arms, separate parts for the conversion of sporting guns into military weapons, ball cartridges, and all kinds of explosives, other than cartridges especially made for shot guns.

ART. LVIII. *Exceptions.*—1. The two Governments reserve to themselves the right to arm the natives who form part of the regular police forces.

2. If a non-native temporarily entrusts to a native employed by him, and solely for the purpose of that employment, prohibited arms or ammunition, it shall not be considered to constitute an offence against Article LVII.

ART. LIX. *Prohibition of the Sale of Intoxicating Liquors to Natives.*—

1. From the date when the present Convention comes into operation no person shall, in the New Hebrides, including the Banks and Torres Islands, and within the territorial waters of the Group, sell or supply intoxicating liquors to the natives, in any form and on any pretext whatsoever.

2. Alcoholic drugs or cordials employed in case of disease or sickness are not included in the present prohibition.

3. The present prohibition shall cover spirits, beer, wine, and generally all fermented intoxicating liquors.

ART. LX. *Report of Offences.*—1. Breaches of Articles LVII and LIX, respecting the prohibition of the supply of arms, ammunition, and intoxicating liquors to the natives, shall be reported by the officers and agents of the police force, specially authorized for this purpose by the High Commissioners or their Delegates jointly.

2. The official report drawn up in accordance with paragraph (1) shall be *prima facie* evidence before the competent authority of the facts contained therein.

3. Any officer or agent of the police force holding an authority to that effect, who finds a native in possession of a prohibited weapon, or in a state of intoxication in a public place, shall arrest him, and after inquiry into the circumstances of the offence, shall draw up an official report for the information of the High Commissioners or their Delegates.

If the offence is proved, the native shall be punished by the Resident Commissioner having authority over the members of the police force making the arrest, or by the person appointed for the purpose, and the non-native suspected of complicity shall be prosecuted before the Joint Court.

4. Members of the police force shall not enter the house or premises of a non-native without his consent except as provided in the rules of procedure issued by the Joint Court, or the Regulations issued by the authority having jurisdiction over him.

Search-warrants, when considered necessary in the case of a non-native, shall be issued by the Judge with jurisdiction over him.

ART. LXI. *Penalties.*—1. Any breach by non-natives of Article LVII, LIX, and LX shall be punishable by a fine of from 4s. to 20l. and imprisonment ranging from one day to one month, or by either of these penalties.

2. The Joint Court shall inflict the penalties and may further order the forfeiture of the arms, ammunition, or intoxicating liquors, and shall decide as to their disposal or destruction.

MUNICIPALITIES

ART. LXII. *Establishment of Municipalities.*—1. Municipalities may be established in the Group, on the application of the non-native inhabitants.

2. Applications for the establishment of municipalities shall be addressed to one or other of the High Commissioners or their Delegates. The latter shall communicate such requests to one another, and determine jointly what action shall be taken thereon.

3. Applications made by a group of not less than thirty non-native adult inhabitants residing in the same district shall be, as far as possible, complied with.

ART. LXIII. *Councils.*—1. Every municipality shall be administered by a Council consisting of not less than four, and not more than eight members.

2. The Council shall elect a Chairman and a Deputy Chairman from its members.

3. The Councillors shall hold office for four years.

ART. LXIV. *Elections.*—1. Non-natives of either sex and any nationality, who have completed their twenty-first year and have resided for six months at least in the district, shall be entitled to vote, with the exception of those who have served a sentence of more than three months' imprisonment.

2. Voters of either sex who have completed their twenty-fifth year shall be eligible for election.

3. The first elections shall take place within three months of the establishment of a municipality.

4. The elections shall take place under the supervision of two persons respectively appointed by the two Resident Commissioners.

ART. LXV. *Functions of the Councils.*—The Council shall pass the annual municipal budget, vote the necessary local taxation, initiate and carry out municipal works, decide upon the establishment of schools and charitable institutions, and, in general, take all measures necessary for the welfare of the local community.

ART. LXVI. *Temporary Provisions.*—The two existing municipal bodies in the island of Efate shall be recognized as municipalities.

Members of these bodies may continue to hold office till the termination of the period for which they were elected.

ART. LXVII. *Supplementary Regulations.*—The High Commissioners or their Delegates shall prescribe jointly the regulations for enforcing the provisions of Articles LXII to LXVIII.

FINAL PROVISION

ART. LXVIII. *Duration of the Convention.*—The provisions laid down by the present Convention shall remain in force until new provisions are substituted in virtue of an Agreement between the Signatory Powers.

In witness whereof the undersigned Delegates have drawn up and signed the present Protocol.

Done in London, in duplicate, the 27th day of February, in the year of our Lord, 1906.

[Signed]

ELDON GORST.
HUGH BERTRAM COX.
SAINT-GERMAIN.
E. PIGANON.

The present Convention shall come into operation as soon as it is proclaimed in the Group by the two High Commissioners or their Delegates acting in concert, such proclamation to be made as soon as possible.

In witness whereof the Undersigned have signed the present Convention and have thereto affixed their seals.

Done in duplicate at London, the 20th October, 1906.

[L. s.] E. GREY.
[L. s.] PAUL CAMBON

Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field. Signed at Geneva, July 6, 1906

His Majesty the Emperor of Germany, King of Prussia; His Excellency the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Royal Highness the Prince of Bulgaria; His Excellency the President of the Republic of Chile; His Majesty the Emperor of China; His Majesty the King of the Belgians, Sovereign of the Congo Free State; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United States of Brazil; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Honduras; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Oriental Republic of Uruguay,

Being equally animated by the desire to lessen the inherent evils of warfare as far as is within their power, and wishing for this purpose to improve and supplement the provisions agreed upon at Geneva, on August 22, 1864, for the amelioration of the condition of the wounded of armies in the field,

Have decided to conclude a new convention to that effect, and have appointed as their plenipotentiaries, to wit: * * *

The President of the United States of America:

Mr. William Cary Sanger, former Assistant Secretary of War of the United States of America,

Vice-Admiral Charles S. Sperry, President of the Naval War College,
Brigadier-General George B. Davis, Judge-Advocate General of the Army,

Brigadier-General Robert M. O'Reilly, Surgeon-General of the Army,
(NOTE. In the list of plenipotentiaries following above, Vice-Admiral

Charles S. Sperry, President of the Naval War College, should be *Rear-Admiral Charles S. Sperry, &c., &c.*)

Who, after having communicated to each other their full powers, found in good and due form, have agreed on the following:

CHAPTER I

The sick and wounded

ARTICLE I. Officers, soldiers, and other persons officially attached to armies, who are sick or wounded, shall be respected and cared for, without distinction of nationality, by the belligerent in whose power they are.

A belligerent, however, when compelled to leave his wounded in the hands of his adversary, shall leave with them, so far as military conditions permit, a portion of the personnel and matériel of his sanitary service to assist in caring for them.

ART. 2. Subject to the care that must be taken of them under the preceding article, the sick and wounded of an army who fall into the power of the other belligerent become prisoners of war, and the general rules of international law in respect to prisoners become applicable to them.

The belligerents remain free, however, to mutually agree upon such clauses, by way of exception or favor, in relation to the wounded or sick as they may deem proper. They shall especially have authority to agree:

1. To mutually return the sick and wounded left on the field of battle after an engagement.

2. To send back to their own country the sick and wounded who have recovered, or who are in a condition to be transported, and whom they do not desire to retain as prisoners.

3. To send the sick and wounded of the enemy to a neutral state, with the consent of the latter and on condition that it shall charge itself with their internment until the close of hostilities.

ART. 3. After every engagement the belligerent who remains in possession of the field of battle shall take measures to search for the wounded and to protect the wounded and dead from robbery and ill treatment.

He will see that a careful examination is made of the bodies of the dead prior to their interment or incineration.

ART. 4. As soon as possible each belligerent shall forward to the authorities of their country or army the marks or military papers of

identification found upon the bodies of the dead, together with a list of names of the sick and wounded taken in charge by him.

Belligerents will keep each other mutually advised of internments and transfers, together with admissions to hospitals and deaths which occur among the sick and wounded in their hands. They will collect all objects of personal use, valuables, letters, etc., which are found upon the field of battle, or have been left by the sick or wounded who have died in sanitary formations or other establishments, for transmission to persons in interest through the authorities of their own country.

ART. 5. Military authorities may make an appeal to the charitable zeal of the inhabitants to receive and, under its supervision to care for the sick and wounded of the armies, granting to persons responding to such appeals special protection and certain immunities.

CHAPTER II

Sanitary formations and establishments

ART. 6. Mobile sanitary formations (*i. e.*, those which are intended to accompany armies in the field) and the fixed establishments belonging to the sanitary service shall be protected and respected by belligerents.

ART. 7. The protection due to sanitary formations and establishments ceases if they are used to commit acts injurious to the enemy.

ART. 8. A sanitary formation or establishment shall not be deprived of the protection accorded by article 6 by the fact:

1. That the personnel of a formation or establishment is armed and uses its arms in self-defense or in defense of its sick and wounded.
2. That in the absence of armed hospital attendants, the formation is guarded by an armed detachment or by sentinels acting under competent orders.
3. That arms or cartridges, taken from the wounded and not yet turned over to the proper authorities, are found in the formation or establishment.

CHAPTER III

Personnel

ART. 9. The personnel charged exclusively with the removal, transportation, and treatment of the sick and wounded, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be considered prisoners of war.

These provisions apply to the guards of sanitary formations and establishments in the case provided for in section 2 of Article 8.

ART. 10. The personnel of volunteer aid societies, duly recognized and authorized by their own governments, who are employed in the sanitary formations and establishments of armies, are assimilated to the personnel contemplated in the preceding article, upon condition that the said personnel shall be subject to military laws and regulations.

Each state shall make known to the other, either in time of peace, or at the opening, or during the progress of hostilities, and in any case before actual employment, the names of the societies which it has authorized to render assistance, under its responsibility, in the official sanitary service of its armies.

ART. 11. A recognized society of a neutral state can only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own government and the authority of such belligerent. The belligerent who has accepted such assistance is required to notify the enemy before making any use thereof.

ART. 12. Persons described in articles 9, 10, and 11 will continue in the exercise of their functions, under the direction of the enemy, after they have fallen into his power.

When their assistance is no longer indispensable they will be sent back to their army or country, within such period and by such route as may accord with military necessity. They will carry with them such effects, instruments, arms, and horses as their private property.

ART. 13. While they remain in his power, the enemy will secure to the personnel mentioned in article 9 the same pay and allowances to which persons of the same grade in his own army are entitled.

CHAPTER IV

Matériel

ART. 14. If mobile sanitary formations fall into the power of the enemy, they shall retain their matériel, including the teams, whatever may be the means of transportation and the conducting personnel. Competent military authority, however, shall have the right to employ it in caring for the sick and wounded. The restitution of the matériel shall take place in accordance with the conditions prescribed for the sanitary personnel, and, as far as possible, at the same time.

ART. 15. Buildings and matériel pertaining to fixed establishments shall remain subject to the laws of war, but can not be diverted from their use so long as they are necessary for the sick and wounded. Com-

manders of troops engaged in operations, however, may use them, in case of important military necessity, if, before such use, the sick and wounded who are in them have been provided for.

ART. 16. The matériel of aid societies admitted to the benefits of this convention, in conformity to the conditions therein established, is regarded as private property and, as such, will be respected under all circumstances, save that it is subject to the recognized right of requisition by belligerents in conformity to the laws and usages of war.

CHAPTER V

Convoys of evacuation

ART. 17. Convoys of evacuation shall be treated as mobile sanitary formations subject to the following special provisions:

1. A belligerent intercepting a convoy may, if required by military necessity, break up such convoy, charging himself with the care of the sick and wounded whom it contains.

2. In this case the obligation to return the sanitary personnel, as provided for in article 12, shall be extended to include the entire military personnel employed, under competent orders, in the transportation and protection of the convoy.

The obligation to return the sanitary matériel, as provided for in article 14, shall apply to railway trains and vessels intended for interior navigation which have been especially equipped for evacuation purposes, as well as to the ordinary vehicles, trains, and vessels which belong to the sanitary service.

Military vehicles, with their teams, other than those belonging to the sanitary service, may be captured.

The civil personnel and the various means of transportation obtained by requisition, including railway matériel and vessels utilized for convoys, are subject to the general rules of international law.

CHAPTER VI

Distinctive emblem

ART. 18. Out of respect to Switzerland the heraldic emblem of the red cross on a white ground, formed by the reversal of the federal colors, is continued as the emblem and distinctive sign of the sanitary service of armies.

ART. 19. This emblem appears on flags and brassards as well as upon all matériel appertaining to the sanitary service, with the permission of the competent military authority.

ART. 20. The personnel protected in virtue of the first paragraph of article 9, and articles 10 and 11, will wear attached to the left arm a brassard bearing a red cross on a white ground, which will be issued and stamped by competent military authority, and accompanied by a certificate of identity in the case of persons attached to the sanitary service of armies who do not have military uniform.

ART. 21. The distinctive flag of the convention can only be displayed over the sanitary formations and establishments which the convention provides shall be respected, and with the consent of the military authorities. It shall be accompanied by the national flag of the belligerent to whose service the formation or establishment is attached.

Sanitary formations which have fallen into the power of the enemy, however, shall fly no other flag than that of the Red Cross so long as they continue in that situation.

ART. 22. The sanitary formations of neutral countries which, under the conditions set forth in article 11, have been authorized to render their services, shall fly, with the flag of the convention, the national flag of the belligerent to which they are attached. The provisions of the second paragraph of the preceding articles are applicable to them.

ART. 23. The emblem of the red cross on a white ground and the words *Red Cross* or *Geneva Cross* may only be used, whether in time of peace or war, to protect or designate sanitary formations and establishments, the personnel and matériel protected by the convention.

CHAPTER VII

Application and execution of the convention

ART. 24. The provisions of the present convention are obligatory only on the contracting powers, in case of war between two or more of them. The said provisions shall cease to be obligatory if one of the belligerent powers should not be signatory to the convention.

ART. 25. It shall be the duty of the commanders-in-chief of the belligerent armies to provide for the details of execution of the foregoing articles, as well for unforeseen cases, in accordance with the instructions of their respective governments, and conformably to the general principles of this convention.

ART. 26. The signatory governments shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this convention and to make them known to the people at large.

CHAPTER VIII

Repressions of abuses and infractions

ART. 27. The signatory powers whose legislation may not now be adequate engage to take or recommend to their legislatures such measures as may be necessary to prevent the use, by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or name of the Red Cross or Geneva Cross, particularly for commercial purposes by means of trade-marks or commercial labels.

The prohibition of the use of the emblem or name in question shall take effect from the time set in each act of legislation, and at the latest five years after this convention goes into effect. After going into effect, it shall be unlawful to use a trade-mark or commercial label contrary to such prohibition.

ART. 28. In the event of their military penal laws being insufficient, the signatory governments also engage to take, or to recommend to their legislatures, the necessary measures to repress, in time of war, individual acts of robbery and ill treatment of the sick and wounded of the armies, as well as to punish, as usurpations of military insignia, the wrongful use of the flag and brassard of the Red Cross by military persons or private individuals not protected by the present convention.

They will communicate to each other through the Swiss Federal Council the measures taken with a view to such repression, not later than five years from the ratification of the present convention.

GENERAL PROVISIONS

ART. 29. The present convention shall be ratified as soon as possible. The ratification will be deposited at Berne.

A record of the deposit of each act of ratification shall be prepared, of which a duly certified copy shall be sent, through diplomatic channels, to each of the contracting powers.

ART. 30. The present convention shall become operative, as to each power, six months after the date of deposit of its ratification.

ART. 31. The present convention, when duly ratified, shall supersede the Convention of August 22, 1864, in the relations between the contracting states.

The Convention of 1864 remains in force in the relations between the parties who signed it but who may not also ratify the present convention.

ART. 32. The present convention may, until December 31, proximo,

be signed by the powers represented at the conference which opened at Geneva on June 11, 1906, as well as by the powers not represented at the conference who have signed the Convention of 1864.

Such of these powers as shall not have signed the present convention on or before December 31, 1906, will remain at liberty to accede to it after that date. They shall signify their adherence in a written notification addressed to the Swiss Federal Council, and communicated to all the contracting powers by the said Council.

Other powers may request to adhere in the same manner, but their request shall only be effective if, within the period of one year from its notification to the Federal Council, such Council has not been advised of any opposition on the part of any of the contracting powers.

ART. 33. Each of the contracting parties shall have the right to denounce the present convention. This denunciation shall only become operative one year after a notification in writing shall have been made to the Swiss Federal Council, which shall forthwith communicate such notification to all the other contracting parties.

This denunciation shall only become operative in respect to the power which has given it.

IN FAITH WHEREOF the plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered to the contracting parties through diplomatic channels.

(Here follow the signatures).

Final Protocol of the Conference for the Revision of the Geneva Convention

The conference convened by the Swiss Federal Council with a view to the revision of the international Convention of August 22, 1864, for the amelioration of the condition of soldiers wounded in the field, met at Geneva on June 11, 1906. The Powers hereinafter enumerated took part in the conference, for which they had named the following delegates:

(Names of countries and delegates.)

In a series of meetings held between the 11th of June and the 5th of July, 1906, the conference discussed and decided upon the text of a convention to bear date of July 6, 1906, for submission to the plenipotentiaries for their signatures.

In addition thereto, and in conformity with article 16 of the convention for the pacific settlement of international conflicts, of the 29th of July, 1899, which has recognized arbitration as the most efficacious, and at the same time the most equitable means of settling litigations, which have not been determined through the diplomatic channels, the Conference has expressed the following *Hope*:

The Conference expresses the hope that, to reach an interpretation and an application as exact as possible of the Convention of Geneva, the contracting Powers shall submit to the Permanent Court of The Hague, if the case or the circumstances lend themselves thereto, the differences which in time of peace may be raised between them in relation to the interpretation of the said Convention:

This *Hope* was voted for by the following states:

Germany, Argentine Republic, Austria-Hungary, Belgium, Bulgaria, Chile, China, Congo, Denmark, Spain (ad referendum), United States of America, United States of Brazil, France, Greece, Guatemala, Honduras, Italy, Luxemburg, Montenegro, Nicaragua, Norway, The Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland and Uruguay.

The wish was rejected by the following States:

Corea, Great Britain and Japan.

IN FAITH WHEREOF the delegates have signed the present protocol.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered to the contracting parties through diplomatic channels.

(Here follow the signatures.)

Macedonian Financial "Règlement." 1906.

"Règlement" for the Financial Service of the three Vilayets of Roumelia.

ARTICLE 1. A Financial Commission for a term of two years is constituted for the three Vilayets of Salonica, Kossovo, and Monastir.

This Commission will exercise its functions in the name of the Imperial Ottoman Government.

It is composed of the Inspector-General of the Vilayets of Roumelia, the Civil Agents of Austria-Hungary and Russia, and of five Advisers

nominated for this purpose by the Imperial Ottoman Government and the Governments of Germany, France, Great Britain, and Italy.

Its mission is:

1. To insure the application of the Regulation agreed upon between the Imperial Ottoman Ministry of Finance and the Imperial Ottoman Bank, dated the 22nd February, 1320 (the 7th March, 1905), as defined by the present Regulation;
2. To supervise the regular collection of taxes, including the tithe;
3. To examine the Budgets of the three vilayets, which must be communicated to it before becoming final, and to supervise their strict performance after they have received the Imperial sanction;
4. To supervise the execution of the financial reforms.

ART. 2. The Commission will have its seat at Salónica, where its offices will be established. Its meetings, however, will always be held in the town in which the President resides.

ART. 3. The Commission will be presided over by the Inspector-General and, in the event of his absence or inability to attend, by a high Ottoman official named by him. It will discuss at its sittings all matters within its province (Article 1.)

ART. 4. A member of the Commission will assist the President in the capacity of "adjoint." These duties will be performed in turn for a period of three months by the Civil Agents of Austria-Hungary and Russia and by the German, French, British, and Italian advisers, in the alphabetical order of the Powers.

This "adjoint" is charged with:

1. The regulation, in conjunction with the President, of minor matters not requiring the decision of the Assembled Commission;
2. The internal service of the Commission; and
3. The relations between the Commission and the Imperial Ottoman Bank.

He will accompany the President on his journeys. When he is obliged to absent himself from Salónica, his duties, as specified under headings 2 and 3, will devolve upon the member who comes next to him in alphabetical order.

ART. 5. The Commission will sit as a rule once a week. It will be summoned in extraordinary session whenever the President considers it necessary, or when two members of the Commission wish it.

Any member may enter on the order of the day matters which he wishes to submit to the deliberations of the Commission.

The presence of at least four members, including the President or his substitute, will be necessary to render valid the deliberations and the decisions of the Commission. Any absent member or any member unable to attend may be represented by one of his colleagues; the Civil Agents will, in that case, be replaced by their "adjoints."

The decisions of the Commission will be taken by a majority of votes. In the event of an equal division of votes, the President will have a casting vote. If the President refuses to carry out a decision of the Commission, he shall submit the case to the Sublime Porte or to the Imperial Ministry of Finance; the foreign members of the Financial Commission shall, on their part, inform their respective authorities.

ART. 6. Budget proposals, as determined by the Regulation of the 22nd of February, 1320 (7th March, 1905), for the three vilayets, shall be delivered every year, at latest 1st January (N. S.), to the Commission, which shall complete their examination in one month's time.

The Commission shall have the right to modify under the headings of receipts and expenditure arrangements which would not be in conformity with existing laws or in accordance with the economic and financial needs of the country.

The Commission shall in the first instance satisfy itself that the Budget contains the necessary provisions for the requirements of the civil administration, including gendarmerie and police.

On the request of the Commission, it shall be supplied with all information concerning the receipts of the Budget, as well as the expenditure of the civil administration.

Budgets cannot be modified during the financial year.

On the request of the Inspector-General, however, the Commission may permit the transfer of a portion of the credits from one heading of the Budget to another, in the same vilayet.

ART. 7. All collections, of whatever character, made in the three vilayets, with the exception, however, of customs dues and revenues appropriated to the Public Debt by the Decree of the 28th Mouharrem, 1299, or by Agreements in force, shall be entered among the receipts of the Budget.

The preliminary deduction of 5 per cent. reserved for public works and mentioned in Article 11 of the Regulation of the 7th of March, 1905, will constitute the minimum under the heading of that kind of expenditure, and will have to be supported by a detailed statement. If at the end of the financial year this heading shows a surplus, the amount shall be carried forward to the Budget of the following year for the same uses:

ART. 8. The Imperial Ottoman Bank shall communicate to the Commission detailed monthly statements of receipts and expenditure. It shall further supply, if demanded all books,, accounts, and correspondence relating to the service with which it is charged by the Regulation of the 22nd February, 1320 (7th March, 1905).

The Commission will verify the settlement of each financial year, which shall be laid before it by the Imperial Ottoman Bank, within three months' time from the end of the financial year.

The accounts kept by the Imperial Ottoman Bank for the service of the Treasury of the three vilayets shall be kept at the agency of this bank at Salonica.

ART. 9. The Commission, while safeguarding the sovereign rights of the Imperial Government, will have to study all proposals for new taxes or charges, as well as every scheme for modifying the rate or manner of assessment of existing taxes, or the organization of the financial services applicable to the three vilayets. The conclusions of the Commission shall be submitted by the Inspector-General to the Sublime Porte.

ART. 10. The Commission shall nominate as Inspectors, one for each vilayet, Ottoman subjects knowing the official language of the Empire, who will superintend the agents employed in the various services of the Treasury.

These Inspectors, whose selection shall be approved by the Imperial Ottoman Government, shall have the power to make inspections in the offices of the financial services, to call for all books, accounts, and documents relating to the public finances, and to verify amounts in hand, without, however, being able to interfere directly in the administration of the services. They shall address their reports to the Commission.

The Commission will likewise be supplied immediately with copies of the reports of the Financial Inspectors instituted by the Regulation of the 25th May, 1312. It will have the power to require joint inspection to be made by these Inspectors and by those nominated by it in pursuance of the present Article.

The Commission, or the service member on duty, in concert with the President, shall examine all complaints which may reach them concerning the financial services of the three vilayets, and which are based upon events which have occurred subsequent to the creation of the Commission.

If, in the reports or complaints mentioned in the present Article, charges of irregularities or abuses are brought against officials, the Inspectors of the Commission shall be entitled to be present at the investigations arising therefrom.

The Commission shall be kept informed by the President of the disciplinary or judicial steps taken by the Government in respect of delinquent officials.

ART. 11. All information respecting irregularities or abuses discovered in the working of the financial services, and particularly in the collection of taxes, including the tithe, shall be transmitted to the Commission by the competent authority.

ART. 12. All changes in the financial personnel shall be brought to the notice of the Commission, with the reasons which have suggested them. The Commission shall call for such administrative measures as it shall deem necessary in the case of financial officials convicted of delinquencies. •

ART. 13. The Commission shall have the right to be represented at all awards of contracts made for the civil and financial services of the three vilayets.

ART. 14. The administrative expenses of the Commission, exclusive of the salaries of the members, shall be included in three equal portions in the Budget of each of the three vilayets.

ART. 15. The Commission will settle its mode of procedure.

Documents Relating to the Japanese-Korean Situation, 1894-1905

1. Treaty between Korea and Japan ratified on the 23rd day of the sixth moon of the five hundred and third year of the foundation of Korea and the 25th day of July of the twenty-seventh year of Meiji (July 25, 1894).

2. Memorandum between Japan and Russia of May 14, 1896. (So-called Komura-Waeber Memorandum.)

3. Protocol concerning the question of Korea concluded between Japan and Russia on June 9, 1896. (So-called Yamagata-Lobanow Protocol.)

4. Protocol concerning the question of Korea concluded between Japan and Russia on April 25, 1898. (So-called Nissi-Rosen Protocol.)

5. Protocol concluded between Japan and Korea on Feb. 23, 1904.

6. Agreement between Japan and Korea signed Aug. 22, 1904.

7. Agreement between Japan and Korea signed April 1, 1905, regarding the communication services in Korea.

8. Agreement between Japan and Korea signed Nov. 17, 1905, by which Japan assumed charge of foreign relations of Korea.

9. Imperial Ordinance No. 267. Organization of the Japanese Residency General and Residencies in Korea. (Promulgated December 20, 1905.)

Treaty between Korea and Japan ratified on the 23rd day of the sixth moon of the five hundred and third year of the foundation of Korea, and the twenty-fifth day of July of the twenty-seventh year of Meiji (July 25, 1894).

The Korean Government hereby commissions the envoy extraordinary and minister plenipotentiary of Japan, who resides at Seoul, Korea, to expel the Chinese forces from the Korean Kingdom on behalf of the Korean Government. Both Governments having agreed mutually to aid each other and help in attacking the Chinese and in defending themselves. And in order to insure the success of this joint action of both countries, the undersigned commissioners of each country are given full power to ratify the treaty, as follows:

I. This treaty is an agreement to expel the Chinese forces from the Korean Kingdom, and to strongly establish the independence of Korea, as well as to fulfill the privileges and immunities which are enjoyed by both countries.

II. As Japan has undertaken to attack the Chinese, Korea shall have to exert the utmost efforts in all possible ways to facilitate the movements of the Japanese troops to and fro and in preparing provisions for these troops.

III. This treaty shall be abolished on the date of making a treaty of amity with China.

Wherefore the commissioners of both countries have hereunto set their seals and signatures this 26th day of the seventh moon of the five hundred and third year of Ta Chosen (Korea) and the 29th day of August of the twenty-seventh year of Meiji (August 25, 1894).

KIM YUN-SIK,

(Korean) Minister for Foreign Affairs.

K. OTORI,

Envoy Extraordinary and Minister Plenipotentiary of Japan to Korea.

*Memorandum between Japan and Russia. Concluded and signed at
Seoul, May 14th, 1896*

The Representatives of Russia and Japan at Seoul having conferred under the identical instructions from their respective Governments have arrived at the following conclusions:

I. While leaving the matter of His Majesty the King of Corea's return to the Palace entirely to his own discretion and judgment, the Representatives of Russia and Japan will friendly advise His Majesty to return to that place when no doubts concerning his safety there could be entertained.

The Japanese Representative on his part gives the assurance that the most complete and effective measures will be taken for control of Japanese soshi.

II. The present Cabinet Ministers have been appointed by His Majesty from his own free will, and most of them held Ministerial or other high offices during the last two years and are known to be liberal and moderate men.

The two representatives will always aim at recommending to His Majesty to appoint liberal and moderate men as Ministers and to show clemency to his subjects.

III. The Representative of Russia quite agrees with the Representative of Japan that at the present state of affairs in Corea, it may be necessary to have Japanese guards stationed at some places for the protection of the Japanese telegraph line between Fusan and Seoul, and that these guards now consisting of three companies of soldiers, should be withdrawn as soon as possible and replaced by gendarmes, who will be distributed as follows: fifty men at Taiku, fifty men at Ka-heung and ten men each at ten intermediate posts between Fusan and Seoul. This distribution may be liable to some changes, but the total number of the gendarme force shall never exceed two hundred men, who will afterwards gradually be withdrawn from such places, where peace and order has been restored by the Corean Government.

IV. For the protection of the Japanese Settlements at Seoul and the open ports against possible attacks by the Corean populace, two companies of Japanese troops may be stationed at Seoul, one company at Fusan and one at Gensan, each company not to exceed two hundred men. These troops will be quartered near the Settlements and shall be withdrawn as soon as no apprehensions of such attacks could be entertained.

For the protection of the Russian Legation and Consulates, the Russian Government may also keep guards not exceeding the number of

Japanese troops at these places, and which will be withdrawn as soon as tranquility in the interior is completely restored.

Seoul, May 14th, 1896.

WAEBER,
Representative of Russia.

J. KOMURA,
Representative of Japan.

*Protocol Concerning the Question of Corea between Japan and Russia.
Signed at Moscow, June 9, 1896*

Le Maréchal Marquis Yamagata, Ambassadeur Extraordinaire de Sa Majesté l'Empereur du Japon et le Secrétaire d'État Prince Lobanow Rostovsky, Ministre des Affaires Étrangères, ayant échangé leurs vues sur la situation de la Corée, sont convenus des articles suivants:

I. Les Gouvernements Japonais et Russe, dans le but de remédier aux embarras financiers de la Corée, conseilleront au Gouvernement Coréen de supprimer toute dépense inutile et d'établir un équilibre entre ses dépenses et ses revenus. Si à la suite de réformes reconnues indispensables, il devenait nécessaire de recourir à des emprunts étrangers, les deux Gouvernements prêteront, d'un commun accord, leur appui à la Corée.

II. Les Gouvernements Japonais et Russe essaieront d'abandonner à la Corée, autant que le permettra la situation financière et économique de ce pays, la création et l'entretien d'une force armée et d'une police indignes dans des proportions suffisantes pour maintenir l'ordre intérieur, sans secours étrangers.

III. En vue de faciliter les communications avec la Corée, le Gouvernement Japonais continuera à administrer les lignes télégraphiques qui s'y trouvent actuellement entre ses mains.

Il est réservé à la Russie d'établir une ligne télégraphique de Seoul à ses frontières.

Ces différentes lignes pourront être rachetées par le Gouvernement Coréen, aussitôt qu'il en aura les moyens.

IV. Dans le cas où les principes ci-dessus exposés exigeraient une définition plus précise et plus détaillée, ou bien si, par la suite, il surgissait d'autres points sur lesquels il serait nécessaire de se concerter, les Représentants des deux Gouvernements seront chargés de s'entendre la-dessus à l'amiable.

Fait à Moscou, le $\frac{9 \text{ Juin}}{28 \text{ mai}}$ 1896.

Signé: YAMAGATA

Signé: LOBANOW.

*Protocol Concerning the Question of Corea between Japan and Russia.**Signed at Tokio, April 25, 1898*

Le Baron Nissi, Ministre des Affaires Étrangères de Sa Majesté l'Empereur du Japon, et le Conseiller d'État Actuel et Chambellan Baron Rosen, Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur de toutes les Russies, afin de donner suite à l'article 4 du Protocole signé à Moscou, le 9 juin 1896 entre le Maréchal Marquis

28 mai

Yamagata et le Secrétaire d'État Prince Lobanow, et dument autorisés à cet effet, sont convenus des articles suivants:

ARTICLE I. Les Gouvernements Impériaux du Japon et de Russia reconnaissent définitivement la souveraineté et l'entière indépendance de la Corée et s'engagent mutuellement à s'abstenir de toute ingérence directe dans les affaires intérieures de ce pays.

ART. II. Desirant écarter toute cause possible de malentendus dans l'avenir, les Gouvernements Impériaux du Japon et de Russie s'engagent mutuellement, dans le cas où la Corée aurait recours au conseil et à l'assistance, soit du Japon, soit de la Russie, de ne prendre aucune mesure quant à la nomination d'instructeurs militaires et de conseillers financiers, sans être arrivés préalablement à un accord mutuel à ce sujet.

ART. III. Vu le large développement qu'ont pris les entreprises commerciales et industrielles du Japon en Corée, ainsi que le nombre considérable de sujets japonais résidant dans ce pays, le Gouvernement Impérial Russe n'entravera point le développement des relations commerciales et industrielles entre le Japon et la Corée.

Fait à Tokio, en double expédition, le 25 Avril 1898.

Signé: ROSEN.

Signé: NISSI.

Protocol Concluded between Japan and Corea on February 23, 1904

Hayashi Gonsuke, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan and Major-General Ye-tchi-yong, Minister of State for Foreign Affairs ad interim of His Majesty the Emperor of Corea, being respectively duly empowered for the purpose, have agreed upon the following Articles:

ARTICLE I. For the purpose of maintaining a permanent and solid friendship between Japan and Corea and firmly establishing peace in the Far East, the Imperial Government of Corea shall place full confidence

in the Imperial Government of Japan and a
in regard to improvements in administratio

ART II. The Imperial Government of J
friendship ensure the safety and repose of t

ART. III. The Imperial Government of J
the independence and territorial integrity o

ART. IV. In case the welfare of the Im
territorial integrity of Corea is endangered b
or internal disturbances, the Imperial Gove
diately take such necessary measures as the
such cases the Imperial Government of Cor
promote the action of the Imperial Japanee

The Imperial Government of Japan may
above-mentioned object, occupy, when tl
such places as may be necessary from strat

ART. V. The Governments of the two c
without mutual consent, conclude with a t
ment as may be contrary to the principles c

ART. VI. Details in connection with tl
arranged, as the circumstances may require
of Japan and the Minister of State for Forei

HAYASHI GO

Envoy Extraordinary c

The 23rd day of the 2nd month of the 8

Major-Gener

Minister of State f

The 23rd day of the 2nd month of the 8

Agreement between Japan and Korea,

I. The Corean Government shall engag
Corean Government a Japanese subject rec
Government ,and all matters concerning fin
his counsel being taken.

II. The Corean Government shall eng
the Department of Foreign Affairs a fore
Japanese Government, and all important
relations shall be dealt with after his counse

III. The Corean Government shall pre
Government in concluding treaties and con

in dealing with other important diplomatic affairs, such as the grant of concessions to or contracts with foreigners.

HAYASHI GONSUKE, [Seal]

Envoy Extraordinary and Minister Plenipotentiary.

the 22nd day of the 8th month of the 37th year of Meiji.

YUN CHI HO [Seal]

Acting Minister of State for Foreign Affairs.

the 22nd day of the 8th month of the 8th year of Kwang-Mu.

*Agreement between Japan and Korea, signed April 1, 1905, regarding
Communications Services*

The Imperial Governments of Japan and Korea, finding it expedient from the standpoint of the administration and finances of Korea, to reorganize the system of communications in that country, and by amalgamating it with that of Japan, and, having seen the necessity, with that in view, of transferring the post, telegraph and telephone services of Korea to the control of the Japanese Government, Hayashi Gonsuke, Envoy Extraordinary and Minister Plenipotentiary of Japan and Yun Chi Ho, Minister of State for Foreign Affairs of Korea, each invested with proper authority, have agreed upon and concluded the following articles:

ARTICLE I. The Imperial Government of Korea shall transfer and place under the control and administration of the post, telegraph and telephone service in Korea (except the telephone service exclusively pertaining to the Department of the Imperial Household) to the Imperial Japanese Government.

ART. II. The land, buildings, furniture, instruments, machines and other appliances connected with the system of communications already established by the Imperial Government of Korea, shall by virtue of the present agreement, be transferred to the control of the Imperial Japanese Government.

The authorities of the two countries acting together shall make an inventory of the land, buildings and all other requisites mentioned in the preceding paragraph which shall serve as evidence in the future.

ART. III. When it is deemed necessary by the Japanese Government to extend the communication system in Korea, they may appropriate land and buildings belonging to the State or private persons; the former without compensation and the latter with proper indemnification.

ART. IV. In respect of the control of the communication service and the custody of the properties in connection therewith, the Japanese Government assume, on their own account, the responsibility of good administration.

The expenses required for the extension of the communication services shall also be borne by the Imperial Government of Japan.

The Imperial Government of Japan shall officially notify the Imperial Government of Corea of the Financial condition of the system of communications under their control.

ART. V. All appliances and materials which are deemed necessary by the Imperial Government of Japan for the control or extension of the system of communication shall be exempt from all duties and imposts.

ART. VI. The Imperial Government of Corea shall be at liberty to maintain the present Board of Communication so far as such retention does not interfere with the control and extension of the services by the Japanese Government.

The Japanese Government, in controlling and extending the services, shall engage as many Corean officials and employees as possible.

ART. VII. In respect of the arrangements formerly entered into by the Corean Government with Governments of foreign Powers concerning the post, telegraph and telephone services, the Japanese Government shall in behalf of Corea exercise the right and perform the obligations pertaining thereto.

Should there arise in the future any necessity for concluding any new convention between the Government of Corea and the Governments of foreign Powers concerning the communication services, the Japanese Government shall assume the responsibility of concluding such convention in behalf of the Corean Government.

ART. VIII. The various conventions and agreements respecting the communication services hitherto existing between the Governments of Japan and Corea are naturally abolished or modified by the present Agreement.

ART. IX. When in the future as the result of the general development of the communication system in Corea, there is some adequate profit over and above expenditures defrayed by the Japanese Government for the control and maintenance of the old services and for their extensions and improvements, the Japanese Government shall deliver to the Corean Government a suitable percentage of such profit.

ART. X. When in the future an ample surplus exists in the finances of the Corean Government, the control of their communication services

may be returned, as the result of the consultation of the two Governments, to the Government of Corea.

HAYASHI GONSUKE, [Seal]

Envoy Extraordinary and Minister Plenipotentiary.

The 1st day of the 4th month of the 38th year of Meiji.

I-HAYENG, [Seal]

Minister of State for Foreign Affairs.

The 1st day of the 4th month of the 9th year of Kwang-mu.

*Agreement between Japan and Corea Signed November 17, 1905, by which
Japan Assumed Charge of Foreign Relations of Corea*

The Governments of Japan and Corea, desiring to strengthen the principle of solidarity which unites the two Empires, have with that object in view agreed upon and concluded the following stipulations to serve until the moment arrives when it is recognized that Corea has attained national strength.

ARTICLE I. The Governments of Japan, through the Department of Foreign Affairs at Tokyo, will hereafter have control and direction of the external relations and affairs of Corea, and the diplomatic and consular representatives of Japan will have charge of the subjects and interests of Corea in foreign countries.

ART. II. The Government of Japan undertakes to see to the execution of the treaties actually existing between Corea and other Powers; and the Government of Corea engages not to conclude hereafter any act or engagement having an international character except through the medium of the Government of Japan.

ART. III. The Government of Japan shall be represented at the Court of His Majesty the Emperor of Corea by a Resident General, who will reside at Seoul, primarily for the purpose of taking charge of and directing matters relating to diplomatic affairs. He shall have the right of private and personal audience of His Majesty the Emperor of Corea. The Japanese Government shall also have the right to station Residents at the several open ports and such other places in Corea as they may deem necessary. Such Residents shall, under the direction of the Resident General, exercise the powers and functions hitherto appertaining to Japanese Consuls in Corea and shall perform such duties as may be necessary in order to carry into full effect the provisions of this Agreement.

The stipulations of all Treaties and Agreements existing between Japan and Corea, not inconsistent with the provisions of this Agreement, shall continue in force.

ART. V. The Government of Japan undertakes to maintain the welfare and dignity of the Imperial House of Corea.

In faith whereof, the Undersigned duly authorized by their Governments have signed this Agreement and affixed their seals.

HAYASHI GONSUKE, [Seal]

Envoy Extraordinary and Minister Plenipotentiary.

The 17th day of the 11th month of the 38th year of Meiji.

PAK CHE SOON, [Seal]

Minister of State for Foreign Affairs.

The 17th day of the 11th month of the 9th year of Kwang-Mu.

Imperial Ordinance No. 267. Organization of the Residency-General and Residencies. (Promulgated December 20, 1905.)

ARTICLE I. A Residency-General shall be established at Seoul, Corea.

ART. II. A Resident-General shall be appointed to the Residency-General.

The Resident-General shall be of Shinnin rank.

The Resident-General shall be under the direct command of the Emperor. In regard to diplomatic affairs he shall make representations to His Imperial Majesty, through the Minister for Foreign Affairs and the Minister President of State, and he shall receive Imperial sanctions and commands through the Minister President of State and the Minister for Foreign Affairs. In regard to all other matters, the representations, sanctions and commands as aforesaid shall pass through the hands of the Minister President of State only.

ART. II. The Resident-General shall represent the Imperial Japanese Government in Corea and shall exercise general control over all matters relative to the foreign Consulates and foreigners in Corea excepting such matters as may pass through the hands of the foreign Representatives resident in Japan. He shall also have control of such administrative affairs of Corea as relate to foreigners.

The Resident-General shall have control of all political affairs, which are, in accordance with the treaties and conventions, to be administered by the Imperial and public authorities of Japan in Corea and he shall also be charged with all other affairs of control which have hitherto appertained to the Imperial authorities.

ART. IV. The Resident-General may, when he deems it necessary for

the maintenance of peace and tranquility in Corea, order the Commander of the Imperial Garrison in Corea to use military force.

ART. V. In regard to administrative affairs of Corea, the execution of which is necessary to the fulfillment of treaty obligations, the Resident-General shall refer them to the Corean Government and demand that they be carried out. In case of urgency, however, he may communicate directly with the proper local authorities of Corea and cause them to act, informing the Corean Government afterwards of the steps thus taken.

ART. VI. The Resident-General shall exercise supervision over the officials of the Imperial Government and others, who may be in the service of the Corean Government.

ART. VII. The Resident-General shall have power to issue Residency General Ordinances with punitive provisions of imprisonment not exceeding one year or fines not exceeding two hundred yen.

ART. VIII. When the Resident-General considers any orders or measures of the Authorities under him to be in conflict with the Treaties, Laws or Regulations, or to be detrimental to the public interests or to exceed the powers of such Authorities, he may suspend or rescind such orders or measures.

ART. IX. The Resident-General shall exercise general control over the officials under him. Regarding the appointment and dismissal of officials of Sonin rank, he shall make representations to the Emperor through the Minister President of State. He shall appoint and dismiss officials of Hannin rank and others below it in his own discretion.

ART. X. The Resident-General shall make representations to the Emperor through the Minister President of State regarding the conferment of Court rank or decorations upon officials under him.

ART. XI. In addition to the Resident-General the following functionaries shall be attached to the Residency-General:—

Secretary-General	1	Chokunin.
Director of Agricultural, Commercial and Industrial Affairs	1	{ Chokunin. or Sonin.
Director of Police Affairs	1	
Private Secretary	1	Sonin.
Secretaries	7	"
Police Inspectors	2	"
Gishi (Technical officials)	5	"
Secretary-Interpreters	10	"
Clerks .....	{	.....45 Hannin
Police Sergeants		
Gishu (Assistant technical officials)		
Elève Interpreters		

Treatment of Higher officials or of officials of Hannin extended to Coreans employed in the Residency-General o
ments subordinate to it.

ART. XII. The Secretary-General shall, under the Res
have general charge of the affairs of the Residency-Genera

ART. XIII. In case of inability of the Resident-Gener
cause to discharge the functions of his office, the Comm
Imperial Garrison in Corea or the Secretary-General, as t
General may designate, shall temporarily discharge the fun
Resident-General.

ART. XIV. The Director of Agricultural, Commercial a
Affairs shall, under orders of his superiors, have charge of
ing to agriculture, commerce, manufactures and other ind

ART. XV. The Director of Police Affairs shall, under
superiors, have charge of police affairs.

ART. XVI. The Private Secretary shall, under orders of
have charge of affairs of a confidential nature.

ART. XVII. The Secretaries shall, under orders of th
have charge of the business of the Residency-General.

ART. XVIII. The Gishi (technical officials) shall, un
their superiors, have charge of technical affairs.

ART. XIX. The Secretary-Interpreters shall, under o
superiors, have charge of translation of documents and of ir

ART. XX. The Gishu (assistant technical officials) sh
direction of their superiors, attend to technical business.

ART. XXI. The Resident-General may attach Gish
Interpreters and Gishu of the Residency-General to an
Such officials shall, in the discharge of their duties, be under
and supervision of the Resident concerned.

ART. XXII. Residencies shall be established at the mo
places in Corea.

The locations of the Residencies and the areas of thei
shall be determined by the Resident-General.

ART. XXIII. The following functionaries shall be atta
Residency:

Resident.....
Vice-Residents
Clerks
Police Sergeants
Elève Interpreters

In addition to the above officials, a Police Inspector shall

to such Residencies as the Resident-General may deem necessary. Such Police Inspector shall be of Sonin rank.

At Residencies having two or more Vice-Residents, one of them shall principally have charge of legal matters.

A number of functionaries of the Residencies shall be determined elsewhere.

ART. XXIV. Residents shall, under the direction and supervision of the Resident-General, have charge of matters, which formerly appertained to the Consuls resident in Corea as well as of matters which are to be dealt with by the Residents in accordance with the Treaties, Laws and Regulations.

ART. XXV. In case a Resident finds an urgent necessity for the preservation of peace and order leaving no time to apply to the Resident-General for instructions, he may communicate with the Commander of the Imperial forces stationed in his locality and request the latter to despatch troops.

ART. XXVI. Regarding such administrative measures of Corea as are found necessary for the fulfillment of treaty obligations, Residents may communicate directly with the proper local authorities of Corea and cause the necessary measures to be carried out, in case of urgency not allowing time to ask for instructions from the Resident-General, reporting to the Resident-General afterward the steps thus taken.

ART. XXVII. Residents may issue Residency orders with punitive provisions of fines not exceeding 10 Yen, or police detention or fines.

ART. XXVIII. The Vice-Residents shall, under orders of the Residents, have charge of the business of the Residency and shall in case of inability of the Residents, discharge their functions temporarily.

ART. XXIX. The Police-Inspectors of the Residency-General and the Residencies shall, under orders of their superiors, have charge of police affairs.

ART. XXX. The clerks of the Residency-General and the Residencies shall, under the direction of their superiors, attend to general business.

ART. XXXI. The Police Sergeants of the Residency-General and the Residencies shall each, under the direction of their superiors, have charge of their superiors, have charge of police affairs and exercise direction and control over the policemen placed under them.

ART. XXXII. The Elève Interpreters of the Residency-General and the Residencies shall, under the direction of their superiors, engage in translation of documents and interpretations.

ART. XXXIII. Policemen shall be attached to the Residency-General

and the Residencies. They shall receive the treatment of officials of Hannin rank.

The number of policemen shall be determined by the Resident-General.

Agreement between the United Kingdom, France, and Italy, Respecting Abyssinia, signed at London, December 13, 1906

It being the common interest of France, Great Britain, and Italy to maintain intact the integrity of Ethiopia, to provide for every kind of disturbance in the political conditions of the Ethiopian Empire, to come to a mutual understanding in regard to their attitude in the event of any change in the situation arising in Ethiopia, and to prevent the action of the three States in protecting their respective interests, both in the British, French, and Italian possessions bordering on Ethiopia and in Ethiopia itself, resulting in injury to the interests of any of them, the Government of the French Republic, the Government of his Britannic Majesty, and the Government of Italy have assented to the following Agreement:—

ARTICLE 1. France, Great Britain, and Italy shall coöperate in maintaining the political and territorial *status quo* in Ethiopia as determined by the state of affairs at present existing, and by the following Agreements:

- a. The Anglo-Italian Protocols of the 24th March and 15th April, 1891, and of the 5th May, 1894, and the subsequent Agreements modifying them, including the reserves formulated by the French Government in 1894 and 1895;
- b. The Anglo-Ethiopian Convention of 14th May, 1897, and its annexes;
- c. The Italo-Ethiopian Treaty of 10th July, 1900;
- d. The Anglo-Ethiopian Treaty of 15th May, 1902;
- e. The note annexed to the above-mentioned Treaty of 15th May, 1902;
- f. The Convention of 11th March, 1862, between France and the Dannakils;
- g. The Anglo-French Agreement of 2nd-9th February, 1888;
- h. The Italian-Franco Protocols of 24th January, 1900, and 10th July, 1901, for the delimitation of the French and Italian possessions on the littoral of the Red Sea and the Gulf of Aden;
- j. The Franco-Ethiopian Frontier Convention of 20th March, 1897.

It is understood that the various Conventions mentioned in this Article do not in any way infringe the sovereign rights of the Emperor of

Abyssinia, and in no respect modify the relations between the three Powers and the Ethiopian Empire as stipulated in the present Agreement.

ART. 2. As regards demands for agricultural, commercial, and industrial concessions in Ethiopia, the three Powers undertake to instruct their Representatives to act in such a way that concessions which may be accorded in the interest of one of the three States may not be injurious to the interests of the two others.

ART. 3. In the event of rivalries or internal changes in Ethiopia, the Representatives of France, Great Britain, and Italy shall observe a neutral attitude, abstaining from all intervention in the internal affairs of the country, and confining themselves to such action as may be, by common consent, considered necessary for the protection of the Legations, of the lives and property of foreigners, and of the common interests of the three Powers. In no case shall one of the three Governments interfere in any manner whatsoever, except in agreement with the other two.

ART. 4. In the event of the *status quo* laid down in Article 1 being disturbed, France, Great Britain, and Italy shall make every effort to preserve the integrity of Ethiopia. In any case, they shall concert together, on the basis of the Agreements enumerated in the above-mentioned Article, in order to safeguard:

a. The interests of Great Britain and Egypt in the Nile Basin, more especially as regards the regulation of the waters of that river and its tributaries (due consideration being paid to local interests), without prejudice to Italian interests mentioned in paragraph *b*;

b. The interests of Italy in Ethiopia as regards Erythraea and Somaliland (including the Benadir), more especially with reference to the hinterland of her possessions and the territorial connection between them to the west of Adis Abeba;

c. The interests of France in Ethiopia as regards the French Protectorate on the Somali Coast, the hinterland of this Protectorate and the zone necessary for the construction and working of the railway from Jibuti to Adis Abeba.

ART. 5. The French Government communicates to the British and Italian Governments:

1. The Concession of the Franco-Ethiopian Railway of 9th March, 1894;

2. A communication from the Emperor Menelek dated 8th August, 1904, the translation of which is annexed to the present Agreement, inviting the Company to whom the above Concession was granted to construct the second section of the line from Diré Gawa to Adis Abeba;

ART. 6. The three Governments agree that the Jibuti Railway shall be prolonged from Diré Dawa to Adis Abeba, with a branch line to Harrar eventually, either by the Ethiopian Railway Company in virtue of the deeds enumerated in the preceding Article, or by any other private French Company which may be substituted therefor, with the consent of the French Government, on condition that the nationals of the three countries shall enjoy in all matters of trade and transit absolute equality of treatment on the railway and in the port of Jibuti. Goods shall not be subject to any fiscal transit duty levied for the benefit of the French Colony or Treasury.

ART. 7. The French Government will endeavour to arrange that an English, and Italian, and an Abyssinian Representative shall be appointed to the Board of the French Company or Companies which may be intrusted with the construction and working of the railway from Jibuti to Adis Abeba. The British and Italian Governments will reciprocally endeavour to arrange that a French Director shall in like manner and on the same condition be appointed to the Board of any English or Italian Company which has been or may be formed for the construction or working of railways running from any point in Abyssinia to any point in the adjoining English or Italian territory. It is likewise agreed that the nationals of the three countries shall enjoy in all matters of trade and transit absolute equality of treatment, both on the railways which may be constructed by English or Italian Companies, and in the English or Italian ports from which these railways may start. Goods shall not be subject to any fiscal transit levied for the benefit of the British or Italian Colonies or Treasuries.

The three Signatory Powers agree to extend to the nationals of all other countries the benefit of the Provisions of Articles 6 and 7 relating to equality of treatment as regards trade and transit.

ART. 8. The French Government will abstain from all interferences as regards the Concession previously granted beyond Adis Abeba.

ART. 9. The three Governments are agreed that all railway construction in Abyssinia west of Adis Abeba shall, in so far as foreign assistance is required, be carried out under the auspices of Great Britain. The three Governments are also agreed that all construction of railways in Ethiopia, joining the Benadir to Erythraea to the west of Adis Abeba, shall, in so far as foreign assistance is required, be carried out under the auspices of Italy.

The Government of His Britannic Majesty reserve to themselves the right, in case of need, to make use of the authorization, granted by the Emperor Menelek on the 28th August, 1904, to construct a railway from

British Somaliland through Ethiopia to the Soudanese frontier, on condition, however, that they previously come to an agreement with the French and Italian Governments, the three Governments undertaking not to construct without previous agreement any line entering Abyssinian territory or intended to join the Abyssinian lines, which would compete directly with those established under the auspices of any one of them.

ART. 10. The Representatives of the three Powers will keep each other fully informed, and will coöperate for the protection of their respective interests. In the event of the British, French, and Italian Representatives being unable to agree, they will refer to their respective Governments, suspending all action meanwhile.

ART. 11. Beyond the Agreements enumerated in Articles 1 and 5 of the present Convention, no Agreement concluded by any one of the Contracting Powers concerning Ethiopia shall affect the other Signatory Powers of the present Agreement.

Done at London, December 13, 1906.

[Signed]	E. GREY.
[Signed]	PAUL CAMBON.
[Signed]	A. DE SAN GIULIANO.

ANNEX

Translation of the Imperial Letter of August 8, 1904, authorizing the Railway Company to undertake the Construction of the Line from Diré Daoua to Adis Abeba.

The Lion, conqueror of the tribe of Judah, Menelek II, elect of the Lord, King of Kings of Ethiopia, to the French Minister Plenipotentiary at Adis Abeba,

Greeting!

In order that the Railway Company may lose no time unnecessarily, I inform you that it is my will that it forthwith commence work on the line from Diré Daoua to Adis Abeba.

As regards the terms of the contract, however, we shall come to an arrangement later with the Railway Company.

Written the 2nd Nassaé, in the year of grace 1896 (Abyssinian style), in the city of Adis Abeba (the 8th August, 1904.)

Declaration signed at London, December 13, 1906

The Italian Minister for Foreign Affairs states that Italy has Treaties with the Sultan of Lugh, the Sultan of Raheita, and the Dannakils respecting frontier questions. Inasmuch as these Treaties must form the sub-

ject of negotiations with the Abyssinian Government, it is not possible to include them in the list contained in Article 1, but the Italian Government reserves to itself the right to communicate them to Great Britain and France after the termination of the negotiations.

His Majesty's Secretary of State for Foreign Affairs and the French Ambassador to take note of the declaration made by the Italian Minister for Foreign Affairs.

London, December 13, 1906.

[Signed] E. GREY.

[Signed] PAUL CAMBON.

[Signed] A. DE SAN GIULIANO.

Agreement between the United Kingdom, France, and Italy, Respecting the Importation of Arms and Ammunition into Abyssinia, signed at London, December 13, 1906

France, Great Britain, and Italy, having a common interest in the prevention of all disturbances in their respective territories in Ethiopia and on the Red Sea littoral, the Gulf of Aden, and the Indian Ocean, have agreed as follows:—

1. The Contracting Governments, having regard to the provisions of Articles VIII to XIII of the General Act of Brussels of the 2nd of July, 1890, bind themselves to exercise a rigorous supervision over the importation of arms and ammunition:

The French Government at Jibuti and Obok, in the territories of French Somaliland;

The British Government in British Somaliland and the ports and territories of Zelia, Berbera, Aden, and Perim; and

The Italian Government in Erythraea, Italian Somaliland, and more especially in the ports of Massawah and Assab.

2. Transit permits for arms and ammunition destined for the Ethiopian Government, recognized Ethiopian Chiefs, and private persons in Ethiopia, will only be granted on a request to that effect formulated by the said Government, indicating by name the persons authorized, the nature and quantity of arms and ammunition, and certifying that the said arms and ammunition are not intended for sale.

3. The three Governments engage to make joint representations to the Negus with a view to the prohibition, in accordance with the provisions of the General Act of Brussels, of the traffic in arms and ammunition in Abyssinian territory.

4. As regards the supervision of dhows trading for arms from Jibuti,

Aden, Perim, Zeila, Massawah, Assab, and other ports of those regions to points outside the zone of protection defined by the Act of Brussels, measures will be taken to prevent them from smuggling.

5. While expressly maintaining the principles of French legislation in regard to the right of visit, and it being agreed that the British and Italian Governments maintain their principles in regard to this question, the French Government agrees that the measures of control exercised by the local authorities in British and Italian territorial waters over small British and Italian native merchant craft (dhows) shall also be applicable in Italian and British territorial waters to dhows flying the French flag. The British and Italian Governments also agree that the measures of control exercised by the local authorities in French territorial waters over small French native merchant craft (dhows) shall also be applicable to dhows flying the British or Italian flags.

These measures shall be enforced without necessitating a recourse to the formalities laid down by the Consular Conventions in force between the three Governments.

6. In order to facilitate the supervision of native craft, and in order to prevent any wrongful use of the flag, the three Governments engage to communicate to each other every year a list of the dhows authorized to fly their respective flags.

7. The three Governments will further see that the dhow owners authorized to fly the French, British, or Italian flag shall show such plain marks on their craft as will permit of easy recognition at a distance.

8. The British, French, and Italian Governments agree to instruct their respective local authorities to concert amongst themselves as to the best means of carrying out the measures to be taken as the result of this Agreement.

9. The present Agreement shall hold good for a period of twelve years from the date of signature, and shall then remain in force for periods of three years, unless it is denounced six months before.

Done at London, December 13, 1906.

[Signed] . E. GREY.

[Signed] . PAUL CAMBON.

[Signed] . A. DE SAN GUILIANO.

Customs Revenues of the Dominican Republic. Treaty between the United States and the Dominican Republic, 1907

WHEREAS during disturbed political conditions in the Dominican Republic debts and claims have been created, some by regular and some

by revolutionary governments, many of doubtful validity in whole or in part, and amounting in all to over \$30,000,000 nominal or face value;

And whereas the same conditions have prevented the peaceable and continuous collection and application of National revenues for payment of interest or principal of such debts or for liquidating and settlement of such claims; and the said debts and claims continually increase by accretion of interest and are a grievous burden upon the people of the the Dominican Republic and a barrier to their improvement and prosperity;

And whereas the Dominican Government has now effected a conditional adjustment and settlement of said debts and claims under which all its foreign creditors have agreed to accept about \$12,407,000 for debts and claims amounting to about \$21,184,000 of nominal or face value, and the holders of internal debts or claims of about \$2,023,258 nominal or face value have agreed to accept about \$645,827 therefor, and the remaining holders of internal debts or claims on the same basis as the assents already given will receive about \$2,400,000 therefor, which sum the Dominican Government has fixed and determined as the amount which it will pay to such remaining internal debt holders; making the total payments under such adjustment and settlement, including interest as adjusted and claims not yet liquidated, amount to not more than about \$17,000,000.

And whereas a part of such plan of settlement is the issue and sale of bonds of the Dominican Republic to the amount of \$20,000,000 bearing five per cent interest payable in fifty years and redeemable after ten years at 102½ and requiring payment of at least one per cent per annum for amortization, the proceeds of said bonds, together with such funds as are now deposited for the benefit of creditors from customs revenues of the Dominican Republic heretofore received, after payment of the expenses of such adjustment, to be applied first to the payment of said debts and claims as adjusted and second out of the balance remaining to the retirement and extinction of certain concessions and labor monopolies which are a burden and hindrance to the commerce of the country and third the entire balance still remaining to the construction of certain railroads and bridges and other public improvements necessary to the industrial development of the country;

And whereas the whole of said plan is conditioned and dependent upon the assistance of the United States in the collection of customs revenues of the Dominican Republic and the application thereof so far as necessary to the interest upon and the amortization and redemption of said bonds, and the Dominican Republic has requested the United States to give and the United States is willing to give such assistance:

The Dominican Government, represented by its Minister of State for Foreign Relations, Emiliano Tejera, and its Minister of State for Finance and Commerce, Federico Velasquez H., and the United States Government, represented by Thomas C. Dawson, Minister Resident and Consul General of the United States to the Dominican Republic, have agreed:

I. That the President of the United States shall appoint a General Receiver of Dominican Customs, who, with such Assistant Receivers and other employees of the Receivership as shall be appointed by the President of the United States in his discretion, shall collect all the customs duties accruing at the several customs houses of the Dominican Republic until the payment or retirement of any and all bonds received by the Dominican Government in accordance with the plan and under the limitations as to terms and amounts hereinbefore recited; and said General Receiver shall apply the sums so collected, as follows:

First, to paying the expenses of the receivership; second, to the payment of interest upon said bonds; third, to the payment of the annual sums provided for amortization of said bonds including interest upon all bonds held in sinking fund; fourth, to the purchase and cancellation or the retirement and cancellation pursuant to the terms thereof of any of said bonds as may be directed by the Dominican Government; fifth, the remainder to be paid to the Dominican Government.

The method of distributing the current collections of revenue in order to accomplish the application thereof as hereinbefore provided shall be as follows:

The expenses of the receivership shall be paid by the Receivers as they arise. The allowances to the General Receiver and his assistants for the expenses of collecting the revenues shall not exceed five per cent unless by agreement between the two Governments. On the first day of each calendar month the sum of \$100,000 shall be paid over by the Receiver to the Fiscal Agent of the loan, and the remaining collection of the last preceding month shall be paid over to the Dominican Government, or applied to the sinking fund for the purchase or redemption of bonds, as the Dominican Government shall direct.

Provided, that in case the customs revenues collected by the General Receiver shall in any year exceed the sum of \$3,000,000, one-half of the surplus above such sum of \$3,000,000 shall be applied to the sinking fund for the redemption of bonds.

II. The Dominican Government will provide by law for the payment of all customs duties to the General Receiver and his assistants, and will give to them all needful aid and assistance and full protection

to the extent of its powers. The Government of the United States will give to the General Receiver and his assistants such protection as it may find to be requisite for the performance of their duties.

III. Until the Dominican Republic has paid the whole amount of the bonds of the debt its public debt shall not be increased except by previous agreement between the Dominican Government and of the United States. A like agreement shall be necessary to modify the import duties, it being an indispensable condition for the modification of such duties that the Dominican Executive demonstrate and that the President of the United States recognize that, on the basis of exportations and importations to the like amount and the like character during the two years preceding that in which it is desired to make such modification, the total net customs receipts would at such altered rates of duties have been for each of such two years in excess of the sum of \$2,000,000 United States gold.

IV. The accounts of the General Receiver shall be rendered monthly to the Contaduria General of the Dominican Republic and to the State Department of the United States and shall be subject to examination and verification by the appropriate officers of the Dominican and the United States Governments.

V. This agreement shall take effect after its approval by the Senate of the United States and the Congress of the Dominican Republic.

Done in four originals, two being in the English language, and two in Spanish, and the representatives of the high contracting parties signing them in the City of Santo Domingo this 8th day of February, in the year of our Lord 1907.

THOMAS C. DAWSON,
EMILIANO TEJERA,
FEDERICO VELASQUEZ H.

*An Act Creating a United States Court for China and prescribing the
Jurisdiction thereof; 1906*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a court is hereby established, to be called the United States court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China,

except in so far as the said jurisdiction is qualified by section two of this Act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

That the seal of the said United States court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin, "The Seal of the United States Court for China."

The seal of said court shall be provided at the expense of the United States.

All writs and processes issuing from the said court and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue.

SEC. 2. The consuls of the United States in the cities of China to which they are respectively credited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed five hundred dollars United States money and in criminal cases where the punishment for the offense charged can not exceed by law one hundred dollars fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States court for China; *Provided, also,* That appeal may be taken to the United States court for China from any final judgment of the consular courts of the United States in Korea so long as the rights of extraterritoriality shall obtain in favor of the United States. The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedants in China. Within sixty days after the death

in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall as additional effects come from time to time into his possession immediately file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule under oath of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise within ten days after any such sale report the fact of such sale to said court, and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and and doings relating to the estate of any such deceased person. The said court shall have power to require where it may be necessary a special bond for the faithful performance of his duty to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come in such amount and with such sureties as may be deemed necessary, and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect to any such estate under the provisions hereof.

SEC. 3. That appeals shall lie from all final judgments or decrees of said court to the United States circuit court of appeals of the ninth judicial circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are permitted to judgments of said court of appeals in cases coming from district and circuit courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken.

SEC. 4. The jurisdiction of said United States court, both original and on appeal, in civil and criminal matters, and also the jurisdiction of the consular courts in China, shall in all cases be exercised in conformity with said treaties and the laws of the United States now in force in reference to the American consular courts in China, and all judgments and decisions of said consular courts, and all decisions, judgments, and decrees of said United States court, shall be enforced in accordance with said treaties and laws. But in all such cases when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China.

SEC. 5. That the procedure of the said court shall be in accordance so far as practicable, with the existing procedure prescribed for consular courts in China in accordance with the Revised Statutes of the United States: *Provided, however,* That the judge of the said United States court for China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections forty-one hundred and six and forty-one hundred and seven of the Revised Statutes of the United States allowing consuls in certain cases to summon associates shall have no application to said court.

SEC. 6. There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the laws of the United States and said treaties. The judge of said court and the district attorney, who shall be lawyers of good standing and experience, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of eight thousand dollars per annum for said judge, four thousand dollars per annum for said district attorney, three thousand dollars per annum for said marshal, and three thousand dollars per annum for said clerk. The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary expenses during such sessions not to exceed ten dollars per day for the judge and five dollars per day for the district attorney.

SEC. 7. The tenure of office of the judge of said court shall be ten years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President.

SEC. 8. The marshal and the clerk of said court shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court. They shall each appoint, with the written approval of said judge, deputies at Canton and Tientsin, who shall also be required to furnish bonds for the faithful performance of their duties, which bonds shall be subject both as to form and sufficiency of the sureties, to the approval of the said judge. Such deputies shall receive compensation at the rate of five dollars for each day the sessions of the court are held at their respective cities. The office of marshal in China now existing in pursuance of section forty-one hundred and eleven of the Revised Statutes is hereby abolished.

SEC. 9. The tariff of fees of said officers of the court shall be the same as the tariff already fixed for the consular courts in China, subject to amendment from time to time by order of the President, and all fees taxed and received shall be paid into the Treasury of the United States.

Approved, June 30, 1906.

An Act to Regulate the Immigration of Aliens into the United States, 1907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States. The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States, and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration and the salaries and expenses of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall

be a lien upon the vessel, or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel, or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund." *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become

a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose or persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this Act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country; *And provided further*, That the provisions of this law applicable to contract labor shall not be held

to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly import, or attempt to import, into the United States, any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than five thousand dollars; and any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be unlawfully within the United States and shall be deported as provided by sections twenty and twenty-one of this Act.

SEC. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisions contained in section two of this Act.

SEC. 5. That for every violation of any of the provisions of section four of this Act the persons, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by promise of employment through advertising printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision, any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this Act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secre-

tary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided, That* clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 10. That the decision of the board of special inquiry, herein-after provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act.

SEC. 11. That upon the certificate of a medical officer of the United States Public Health and Marine Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether

able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fifteen of this Act. That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section, shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the

duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of, or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States; or a prostitute, or a woman or a girl coming to the United States for the purpose of prostitution, or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be

made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections twelve, thirteen, and fourteen of this Act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid: *Provided* That in the case of failure without good cause to deliver the list of passengers required by section twelve of this Act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure and shall be a fine of ten dollars for each alien not included in said list; but in no case shall the aggregate fine exceed one hundred dollars.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of incoming aliens provided for in sections twelve, thirteen, and fourteen of this Act, it shall be the duty of said officers to go or to send competent assistants to the vessel to which said lists or manifests refer, and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing place, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this Act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases

observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

SEC. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two of this Act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this Act.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-

General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this Act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this Act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund" but no alien certified, as provided in section seventeen of this Act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this Act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: *Provided*, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21. That in case of Secretary of Commerce and Labor shall

be satisfied that an alien has been found in the United States in violation of this Act, or that an alien is subject to deportation under the provisions of this Act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this Act, and a failure or refusal on the part of the masters, agents, owners or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this Act shall be punished by the imposition of the penalties prescribed in section nineteen of this Act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this Act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such

action may be necessary to accomplish the purposes of this Act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of Commerce and Labor.

SEC. 24. That immigrant inspectors and other immigrant officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service Act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That said Secretary, in the enforcement of that portion of this Act which excludes contract laborers, may employ, without reference to the provisions of the said civil service Act, or to the various Acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or wilfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any

alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this Act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tubercu-

losis or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.

SEC. 27. That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this Act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this Act are hereby continued in force and effect.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act.

SEC. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this Act.

SEC. 31. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such station, as occasion may require,

shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

SEC. 33. That for the purpose of this Act the term "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the canal zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

SEC. 34. That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge at New Orleans, Louisiana, the duties now required of other commissioners of immigration at their respective posts.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this Act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections twenty and twenty-one of this Act: *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this Act upon the Commissioner-General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

SEC. 37. That whenever an alien shall have taken up his permanent

residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife, or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

SEC. 39. That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons, to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation by sub-committee or otherwise into the subject of immigration. For the purpose of said inquiry, examination, and investigation, said commission is authorized to send for persons and papers, make all necessary travel either in the United States or any foreign country, and, through the chairman of the commission or any member thereof to administer

oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusion reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not members of Congress; and the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 40. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State

or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agent shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

SEC. 41. That nothing in this Act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.

SEC. 42. It shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried on brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or

brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores of goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger and any person brought in any such vessel who shall have been, during the voyage taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein respectively, or hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

This section shall take effect on January first, nineteen hundred and nine.

SEC. 43. That the Act of March third, nineteen hundred and three, being an Act to regulate the immigration of aliens into the United States except section thirty-four thereof, and the Act of March twenty-second, nineteen hundred and four, being an Act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all Acts and parts of Acts inconsistent with this Act are hereby repealed. *Provided*, That this Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the Act approved August second, eighteen hundred and eighty-two, entitled "An Act to regulate the carriage of passengers by sea."

SEC. 44. That this Act shall take effect and be enforced from and after July first, nineteen hundred and seven: *Provided, however*, That

section thirty-nine of this Act and the last proviso of section one shall take effect upon the passage of this Act and section forty-two on January first, nineteen hundred and nine.

Approved, February 20, 1907.

*An Act in Reference to the Expatriation of Citizens and their Protection
Abroad, 1907*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

SEC. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war.

SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

SEC. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided*, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

SEC. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 7. That duplicates of any evidence, registration, or other acts required by this Act shall be filed with the Department of State for record.

Approved, March 2, 1907.

Rules Governing the Granting and Issuing of Passports to those Who Have Declared Their Intention to Become Citizens of the United States

1. The first section of the act approved March 2, 1907, "in reference to the expatriation of citizens and their protection abroad," provides "That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years, a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not

be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention."

2. This section is not intended to confer upon persons who have only declared their intention to become citizens a general right to receive passports upon application. Such passports will be issued only when it is affirmatively shown to the Secretary of State that some special exigency requires the temporary absence of the applicant from the United States, and that without such absence the applicant would be subjected to special hardship or injury.

3. Such passports will not be issued to those who have made the declaration of intention and who have failed, through their own neglect, to complete their intention and secure naturalization as citizens of the United States; nor to those who may make the declaration of intention in order to secure passports and leave the United States, *nor shall more than one such passport be issued to any applicant.*

4. It is therefore ordered that before a passport shall be issued to anyone who has made the declaration of intention to become a citizen or the United States *the following facts shall be established to the satisfaction of the Secretary of State;*

(a) That the applicant has resided in the United States for at least three years, as provided by law.

(b) That he is not yet eligible under the law for making application for final naturalization.

(c) *That at least six months have elapsed since the applicant's declaration of intention.*

(d) *That the applicant has not previously applied for and obtained a similar passport from this Department.*

(e) That a special and imperative exigency exists requiring the absence of the applicant from the United States. The burden of proof will, in each case, be upon the applicant to show to the satisfaction of the Secretary of State that there is a necessity for his absence.

(f) That the applicant has not applied for or obtained a passport from any other government since he declared his intention to become a citizen of the United States.

5. Applications must be made in the form of an affidavit to the Secretary of State.

6. The affidavit must be attested by an officer authorized to administer oaths, and if he has an official seal it must be affixed. If he has no seal his official character must be authenticated by certificate of the proper legal officer.

7. If the applicant signs by mark two attesting witnesses to his signature are required.

8. The applicant is required to state the date and place of his birth, his occupation and the place of his permanent residence, where he intends to travel, how long he expects to remain in each foreign country, for what purpose he is proceeding abroad, the circumstances which make his absence necessary, that he intends to return to the United States, and the probable duration of his absence therefrom.

9. *If any previous application for a similar passport has been denied by the Department, this fact must be stated by the applicant.*

The application must be accompanied by a description of the person applying and should state the following particulars, namely: Age, —; stature, —• feet — inches (English measure); forehead, —; eyes, —; nose, —; mouth, —; chin, —; hair, —; complexion, —; face, —.

The application must be accompanied by two supporting affidavits from citizens of the United States, who shall state that the applicant is the person he represents himself to be, how long they have known him, and that the facts stated in his affidavit are true to the best of their knowledge and belief.

ELIHU ROOT.

DEPARTMENT OF STATE,
Washington, March 28, 1907.

OFFICIAL DOCUMENTS

Texte du Traité Franco-Siamois.

du 23 mars, 1907.¹

Le Président de la République française et Sa Majesté le roi de Siam, à la suite des opérations de délimitation entreprises en exécution de la Convention du 13 février 1904, désireux, d'une part, d'assurer le règlement final de toutes les questions relatives aux frontières communes de l'Indo-Chine et du Siam, par un système réciproque et rationnel d'échanges, désireux, d'autre part, de faciliter les relations entre les deux pays par l'introduction progressive d'un système uniforme de juridiction et par l'extension des droits des ressortissants français établis au Siam.

Ont décidé de conclure un nouveau traité et ont nommé à cet effet pour leurs plénipotentiaires, savoir :

M. le Président de la République française, M. Victor-Emile-Marie-Joseph Collin de Plancy, envoyé extraordinaire et ministre plénipotentiaire de la République française au Siam, officier de la Légion d'honneur et de l'Instruction publique.

Sa Majesté le roi de Siam, S. A. R. le prince Devawongse Varoprakar, chevalier de l'Ordre de Maha Chakri, grand officier de la Légion d'honneur, etc., Ministre des Affaires étrangères,

Lesquels, munis de pleins pouvoirs, qui ont été trouvés en bonne et due forme, sont convenus des dispositions suivantes :

ARTICLE PREMIER. Le Gouvernement Siamois cède à la France les territoires de Battambang, Siem-reap et Sisophon dont les frontières sont définies par la clause I du protocole de délimitation ci-annexé.

ART. 2. Le Gouvernement Français cède au Siam les territoires de Dansai et le Kratt dont les frontières sont définies par les clauses I and II dudit protocole, ainsi que toutes les îles situées au sud du Gap Lemling, jusques et y compris Koh-Kut.

ART. 3. La remise de ces territoires aura lieu de part et d'autre dans un délai de vingt jours après la date à laquelle le présent traité aura été ratifié.

¹ Le Mémorial Diplomatique; 12 mai 1907, page 297.

ART. 4. Une commission mixte, composée d'officiers et de fonctionnaires français et siamois, sera nommée par les deux pays contractants, dans un délai de quatre mois après la ratification du présent traité et chargée de délimiter les nouvelles frontières. Elle commencera ses travaux dès que la saison le permettra et les poursuivra en se conformant au protocole de délimitation annexé au présent traité.

ART. 5. Tous les Asiatiques, sujets et protégés français, qui se feront inscrire dans les consulats de France au Siam après la signature du présent traité, par application de l'article 9 de la Convention du 13 février 1904, seront justiciables des tribunaux siamois ordinaires.

La juridiction des cours internationales siamoises, dont l'institution est prévue par l'article 12 de la Convention du 13 février 1904, sera, dans les conditions énoncées au protocole de juridiction ci-annexé, étendue, dans tout le royaume de Siam, aux Asiatiques sujets et protégés français, visés par les articles 10 et 11 de la même Convention et actuellement inscrits dans les consulats de France au Siam.

Ce régime prendra fin et la compétence des cours internationales sera transférée aux tribunaux siamois ordinaires après la promulgation et la mise en vigueur des codes siamois (code pénal, codes civil et commercial, codes de procédure, loi d'organisation judiciaire).

ART. 6. Les Asiatiques sujets et protégés français jouiront, dans toute l'étendue du royaume de Siam, des droits et prérogatives dont bénéficient les nationaux du pays, notamment des droits de propriété, de libre résidence et de libre circulation.

Ils seront soumis aux impôts et prestations ordinaires.

Ils seront exempts du service militaire et ne seront pas assujettis aux réquisitions et taxes extraordinaires.

ART. 7. Les dispositions des anciens traités, accords et conventions entre la France et le Siam, non modifiés par le présent traité, restent en pleine vigueur.

ART. 8. En cas de difficulté d'interprétation du présent traité rédigé en français et en siamois, le texte français fera seul foi.

ART. 9. Le présent traité sera ratifié dans un délai de quatre mois, à partir du jour de la signature ou plus tôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé le présent traité et y ont apposé leurs cachets.

Fait à Bangkok, en double exemplaire, le 23 mars mil neuf cent sept.

Signé: V. COLLIN DE PLANCOY.
DEVAWONGSE VAROPRAKAR.

PROTOCOLE.

CONCERNANT LA DÉLIMITATION DES FRONTIÈRES.

Annexe au traité du 23 mars 1907.

En vue de faciliter les travaux de la Commission prévue à l'article IV du traité en date de ce jour, et en vue d'éviter toute possibilité de difficulté dans la délimitation, le Gouvernement de la République française et le Gouvernement de Sa Majesté le Roi de Siam sont convenus de ce qui suit :

CLAUSE I. La frontière entre l'Indo-Chine Française et le Siam part de la mer en un point situé en face du plus haut sommet de l'île de Koh-Hut. Elle suit à partir de ce point une direction Nord-Est jusqu'à la crête des Pnom-krevanh. Il est formellement convenu que, dans tous les cas, les versants Est de ces montagnes, y compris, la totalité du bassin du Klong-kopo, doivent rester à l'Indo-Chine Française.

La frontière suit la crête des Pnom-krevanh dans la direction du Nord jusqu'au Pnom-krevanh qui se trouve sur la ligne principale de partage des eaux entre les rivières qui coulent vers le golfe de Siam et celles qui coulent vers le Grand Lac. Du Pnom-thom, la frontière suit, d'abord, dans la direction du Nord-Ouest; puis dans la direction du Nord, la limite actuelle entre la province de Battambang d'une part, et celles de Chantaboun et de Kratt d'autre part, jusqu'au point où cette frontière coupe la rivière appelée Nam-sai. Elle suit alors le cours de cette rivière jusqu'à son confluent avec la rivière de Sisophon et cette dernière jusqu'à un point situé à 10 kilomètres en aval de la ville d'Aranh. De ce dernier point, enfin, elle se continue en droite ligne jusqu'à un point situé sur les Dang-rek, à mi-chemin entre les passes appelées Chong-ta-koh et Chong-samet. Il est entendu que cette dernière ligne doit laisser en territoire siamois la route directe entre Aranh et Chong-ta-koh.

A partir du point ci-dessus mentionné, situé sur la crête des Dang-rek, la frontière suit la ligne de partage des eaux entre le bassin du Grand Lac et du Mékong d'une part et le bassin du Nam-moum d'autre part, et aboutit au Mékong en aval de Pak-moum, à l'embouchure du Hueidone, conformément au tracé adopté par la précédente commission de délimitation, le 18 janvier 1907.

Un croquis schématique de la frontière décrite ci-dessus est annexé au présent protocole.

CLAUSE II. Du côté de Luang-Prabang, la frontière se détache du Mékong, au Sud, à l'embouchure du Nam-huong, et suit le thalweg de

cette rivière jusqu'à sa source qui se trouve située au Phu-khao-mieng. De là, la frontière suit la ligne de partage des eaux entre le Mékong et le Ménam et aboutit au Mékong, au point appelé Keng-pha-dai, conformément au tracé adopté par la précédente commission de délimitation, le 16 janvier 1905.

CLAUSE III. La commission de délimitation prévue à l'article IV du traité en date de ce jour aura à déterminer et à tracer au besoin, sur le terrain, la partie de la frontière décrite dans la clause I du présent protocole. Si, au cours des opérations de délimitation, le gouvernement français désirait obtenir une rectification de frontière dans le but de substituer des lignes naturelles à des lignes conventionnelles, cette rectification ne pourrait être faite dans aucun cas au détriment du gouvernement siamois.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent protocole et y ont apposé leurs cachets.

Fait à Bangkok, en double exemplaire, le 23 mars mil neuf cent sept.

Signé: V. COLLIN DE PLANCY.
DEVAWONGSE VAROPRAKAR.

PROTOCOLE CONCERNANT LA JURIDICTION APPLICABLE DANS LE ROYAUME
DE SIAM AUX ASIATIQUES SUJETS DE PROTÉGÉS FRANÇAIS.

Annexé au traité du 23 mars 1907.

En exécution de l'article V du traité en date de ce jour, le Gouvernement de la République française et le Gouvernement de Sa Majesté le Roi de Siam, désireux de régler l'organisation et le fonctionnement des cours internationales sont convenus de ce qui suit:

CLAUSE I. Des cours internationales seront créées, partout où le bon fonctionnement de la justice l'exigera, après entente entre le Ministre de la République française à Bangkok et le Ministre des Affaires étrangères du Siam.

CLAUSE II. La compétence des cours internationales s'étend:

1. En matière civile: à toutes matières civiles ou commerciales dans lesquelles des Asiatiques sujets ou protégés français seront en cause:
2. En matière pénale: aux infractions de toute nature commises soit par des Asiatiques sujets ou protégés français, soit à leur préjudice.

CLAUSE III. Dans les provinces d'Udone et d'Isarn, la juridiction des cours internationales s'étendra provisoirement à tous les Asiatiques sujets ou protégés français, quelle que soit la date de leur inscription sur les registres des Consultats de France.

CLAUSE IV. Le droit d'évocation s'exercera conformément aux dispositions de l'article XII de la Convention du 13 février 1904.

Toutefois ce droit cessera de s'exercer pour toutes matières qui feront l'objet des codes ou de lois régulièrement promulgués, dès que ces codes ou ces lois auront été communiqués à la Légation de France et qu'ils auront été mis en vigueur.

Une entente interviendra entre le ministère des Affaires étrangères et la Légation de France pour le règlement des affaires pendantes au moment où lesdits codes ou lois entreront en vigueur.

CLAUSE V. Toutes requêtes à fin d'appel contre les jugements des cours internationales de première instance seront communiquées au consul de France, qui aura le droit de donner sur l'affaire un avis écrit pour être joint au dossier.

L'arrêt d'appel devra porter la signature de deux juges européens.

CLAUSE VI. Un recours de cassation sera ouvert contre les arrêts des cours d'appel. Ce recours pourra s'exercer pour incompétence, abus de pouvoir, et, généralement, pour toutes violations de la loi.

Il sera jugé par la cour suprême ou San-Dika.

CLAUSE VII. Quelle que soit la juridiction saisie d'une affaire civile ou pénale, l'exception d'incompétence, déduite des règles posées par le traité en date de ce jour, devra être proposée avant toute défense au fond.

Enfoi de quoi, les plénipotentiaires respectifs ont signé le présent protocole et y ont apposé leurs cachets.

Fait à Bangkok, en double exemplaire, le 23 mars mil neuf cent sept.

Signé: V. COLLIN DE PLANCY.
DEVAWONGSE VAROPRAKAR.

Commercial agreement between the United States and Germany, signed at Washington, April 22, 1907; at Levico, May 2, 1907.¹

The President of the United States of America, on the one hand, and His Majesty the German Emperor, King of Prussia, in the name of the German Empire, on the other, animated by a desire to adjust the commercial relations between the two countries until a comprehensive commercial treaty can be agreed upon, have decided to conclude a temporary commercial agreement, and have appointed as their Plenipotentiaries for that purpose, to wit:

¹ Proclaimed by the President of the United States June 1, 1907.

The President of the United States of America, the Honorable Elihu Root, Secretary of State of the United States; and

His Majesty the German Emperor, King of Prussia, His Excellency Baron Speck von Sternburg, His Ambassador Extraordinary and Plenipotentiary to the United States of America.

Who, after an exchange of their respective full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I. In conformity with the authority conferred on the President of the United States in Section 3 of the tariff act of the United States approved July 24, 1897, it is agreed on the part of the United States that the following products of the soil and industry of Germany imported into the United States shall, from and after the date when this Agreement shall be put in force, be subject to the reduced tariff rates provided by said Section 3, as follows:

Argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Champagne and all other sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

Still wines, and vermouth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

ART. II. It is further agreed on the part of the United States that the modifications of the Customs and Consular Regulations set forth in the annexed diplomatic note, and made a part of the consideration of this Agreement, shall go into effect as soon as possible and not later than from the date when this Agreement shall be put in force.

ART. III. Reciprocally, the Imperial German Government concedes to the products of the soil and industry of the United States enumerated in the attached list upon their importation into Germany the rates of duty indicated therein.

ART. IV. The provisions of Articles I and III shall apply not only to products imported directly from the country of one of the Contracting Parties into that of the other, but also to products which are imported into the respective countries through a third country, so long as such products have not been subject to any further processes of manufacture in that country.

ART. V. The present Agreement shall apply also to countries or territories which are now or may in the future constitute a part of the customs territory of either contracting party.

ART. VI. The present Agreement shall be ratified by His Majesty the German Emperor, King of Prussia, as soon as possible, and upon official notice thereof the President of the United States shall issue his proclamation giving full effect to the respective provisions of this Agreement.

This Agreement shall take effect on July 1, 1907, and remain in force until June 30, 1908. In case neither of the contracting parties shall have given notice six months before the expiration of the above term of its intention to terminate the said Agreement, it shall remain in force until six months from the date when either of the contracting parties shall notify the other of its intention to terminate the same.

Done in duplicate in English and German texts.

In testimony whereof the Plenipotentiaries above mentioned have subscribed their names hereto at the places and on the dates expressed under their several signatures.

ELIHU ROOT,

WASHINGTON, *April 22, 1907.*

STERNBURG,

LEVICO, *May 2, 1907.*

(The schedule of rates of import duty in Germany referred to in Article III is omitted.)

DIPLOMATIC NOTE REFERRED TO IN ARTICLE II OF COMMERCIAL
AGREEMENT.

APRIL 22, 1907.

EXCELLENCY: Referring to the Commercial Agreement signed this day between the Imperial German Government and the Government of the United States, I have the honor to inform you that instructions to

the customs and consular officers of the United States and others concerned will be issued to cover the following points and shall remain in force for the term of the aforesaid Agreement.

A.

Market value as defined by Section 19 of the Customs Administrative Act shall be construed to mean the export price whenever goods, wares, and merchandise are sold wholly for export, or sold in the home market only in limited quantities, by reason of which facts there can not be established a market value based upon the sale of such goods, wares, and merchandise in usual wholesale quantities, packed ready for shipment to the United States.

B.

Statements provided for in Section 8 of the Customs Administrative Act are not to be required by consular officers except upon the request of the appraiser of the port, after entry of the goods. The Consular Regulations of 1896, paragraph 674, shall be amended accordingly.

C.

In reappraisement cases the hearing shall be open and in the presence of the importer or his attorney, unless the Board of Appraisers shall certify to the Secretary of the Treasury that the public interest will suffer thereby; but in the latter case the importer shall be furnished with a summary of the facts developed at the closed hearing upon which the reappraisement is based.

D.

The practice in regard to "personal appearance before consul," "original bills," "declaration of name of ship," shall be made uniform in the sense —

1. That the personal appearance before the consular officer shall be demanded only in exceptional cases, where special reasons require a personal explanation.

2. That the original bills are only to be requested in cases where invoices presented to the consular officer for authentication include goods of various kinds that have been purchased from different manufacturers at places more or less remote from the consulate and that these bills shall be returned after inspection by the consular officer.

3. That the declaration of the name of the ship in the invoice shall

be dispensed with whenever the exporter at the time the invoice is presented for authentication is unable to name the ship.

Paragraph 678 of such regulations, as amended March 1, 1906, shall be further amended by striking out the words:

"Whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States."

And by inserting after the first sentence the following clause:

"As place, in which the merchandise was purchased, is to be considered the place where the contract was made, whenever this was done at the place where the exporter has his office."

Paragraph 681 of the Consular Regulations of 1896 relative to "swearing to the invoice" shall be revoked.

E.

Special agents, confidential agents and others sent by the Treasury Department to investigate questions bearing upon customs administration shall be accredited to the German Government through the Department of State at Washington and the Foreign Office at Berlin, and such agents shall cooperate with the several chambers of commerce located in the territory apportioned to such agents. It is hereby understood that the general principle as to *personæ gratæ* shall apply to these officials.

F.

The certificates as to value issued by German chambers of commerce shall be accepted by appraisers as competent evidence and be considered by them in connection with such other evidence as may be adduced.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT.

His Excellency

BARON SPECK VON STERNBURG,

Imperial German Ambassador.

Convention for the Exemption of Hospital Ships, in time of war, from the payment of all dues and taxes imposed for the benefit of the state, signed at The Hague, December 21, 1904; ratification advised by the Senate, February 21, 1905; ratified by the President, October 16, 1906; ratification deposited at The Hague, March 26, 1907; proclaimed, May 21, 1907.

[TRANSLATION.]

Convention regarding hospital ships.

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; the President of the Peruvian Republic; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam, and the Swiss Federal Council,

Taking into consideration that the Convention concluded at The Hague on July 29, 1899 for the adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864, has sanctioned the principle of the intervention of the Red Cross in naval wars by provisions in favor of hospital ships;

Desirous of concluding a convention to the end of facilitating by additional provisions the mission of such ships;

Have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: M. de Schlözer, His envoy extraordinary and minister plenipotentiary to The Hague;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary: M. Alexander Okolicsanyi d'Okolicsna, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of the Belgians: M. Baron Guillaume, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of China: Hoo Wei-Teh, His envoy extraordinary and minister plenipotentiary at St. Petersburg;

His Majesty the Emperor of Corea: Young Chan Min, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Denmark: M. W. de Grevenkop Castenskiold, chargé d'affaires of the Kingdom at The Hague;

His Majesty the King of Spain: M. Arthur de Baguer, His envoy extraordinary and minister plenipotentiary at The Hague;

The President of the United States of America: Mr. John W. Garrett, charge d'affaires ad interim of the Republic at The Hague;

The President of the United Mexican States: M. Zenil, envoy extraordinary and minister plenipotentiary of the Republic of Vienna;

The President of the French Republic: M. de Monbel, envoy extraordinary and minister plenipotentiary of the Republic at The Hague;

His Majesty the King of the Hellenes: M. D. G. Metaxas, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Italy: M. Tugini, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of Japan: M. Nobukata Mitsuhashi, His envoy extraordinary and minister plenipotentiary at The Hague;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: M. Count H. de Villers, chargé d'affaires of the Grand Duchy at Berlin;

His Highness the Prince of Montenegro: M. N. Tcharikow, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of All the Russias at The Hague;

Her Majesty the Queen of the Netherlands: M. Baron Melvil de Lynden, Her minister of foreign affairs, and M. T. M. C. Asser, Her minister of state, member of Her council of state;

The President of the Peruvian Republic: M. C. G. Candamo, envoy extraordinary and minister plenipotentiary of the Republic at Paris and at London;

His Imperial Majesty the Shah of Persia: Mirza Samad Khan, momtazos saltaneh, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Portugal and of the Algarves, etc.: M. Count de Selir, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Roumania: M. Jean N. Papiniu, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of All the Russias: M. Martens, His privy councilor, permanent member of the council of the imperial ministry of foreign affairs;

His Majesty the King of Servia: M. M. Vesnitch, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Siam: Phya Raja Nupraphandh, His envoy extraordinary and minister plenipotentiary at The Hague;

The Swiss Federal Council: M. G. Carlin, envoy extraordinary and minister plenipotentiary of the Confederation at The Hague; Who, after communication of their full powers, found to be in good and due form, have agreed on the following provisions:

ARTICLE 1. Hospital ships, concerning which the conditions set forth in Articles 1, 2 & 3 of the Convention concluded at The Hague on July 29, 1899, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of August 22, 1864, are fulfilled shall be exempted, in time of war, from all dues and taxes imposed on vessels for the benefit of the State, in the ports of the Contracting Parties.

ART. 2. The provision of the foregoing article does not prevent the application, by means of visitation or other formalities of fiscal or other laws in force at said ports.

ART. 3. The rule laid down in article first is binding only on the Contracting powers in case of war between two or more of them.

The said rule shall cease to be binding from the time when a non Contracting Power shall join one of the belligerents in a war between Contracting Powers.

ART. 4. The present Convention which bearing the date of this day, may be signed until the first of October 1905 by the Powers expressing their desire to do so, shall be ratified as soon as possible. The ratifications shall be deposited at The Hague.

A proces verbal of the deposit of the ratifications shall be drawn up and a copy thereof, duly certified, shall be delivered through the diplomatic channel to all the Contracting Powers.

ART. 5. The non signatory Powers are permitted to adhere to the present Convention after October first 1905.

They shall, to that end, make their adhesion known to the Contracting Powers by means of a written notification addressed to the Government of the Netherlands and communicated by the latter to the other Contracting powers.

ART. 6. In the event of one of the High Contracting Powers denouncing the present Convention, such denunciation shall not take effect until one year after the notification made in writing to the Government of the Netherlands and immediately communicated by the latter to all the other Contracting Powers. This denunciation shall only affect the notifying Power.

In testimony whereof the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the twenty-first of December one thousand nine hundred and four, in a single copy which shall remain filed in the archives of the Government of the Netherlands and copies of which, duly certified shall be delivered through the diplomatic channel to the Contracting Powers.

[L. s.] VON SOHLÖZER.
(Under reservation of the declaration made at the meeting of the Conference held December 21, 1904.)

[L. s.] OKOLICSANYI D'OKOLICSNA.
[L. s.] GUILLAUME.
[L. s.] HOO WEI-TEH.
[L. s.] YOUNG CHAN MIN.
[L. s.] W. GREVENKOP CASTENSKIOLD.
[L. s.] A. DE BAGUER.
[L. s.] JOHN W. GARRETT.
[L. s.] J. ZENIL.
[L. s.] MONBEL.
[L. s.] D. G. METAXAS.
[L. s.] TUGINI.
[L. s.] NOBUKATA MITSUHASHI.
[L. s.] C^{te}. DE VILLERS.
[L. s.] N. TCHARYKOW.
[L. s.] B^a. MELVIL DE LYNDEN.
[L. s.] T. M. C. ASSER.
[L. s.] C. G. CANDAMO.
[L. s.] M. SAMAD.
[L. s.] CONDE DE SELIR.
[L. s.] J. N. PAPINIU.

(Under reservation of reciprocity and of pilotage dues.)

[L. s.] MARTENS.
[L. s.] MIL. R. VESNITCH.
[L. s.] RAJA NUPRAPHANDH.
[L. s.] CARLIN

Certified to as a true copy:

HANNEMA,

Secretary General of the Ministry of Foreign Affairs of the Netherlands.

[TRANSLATION.]

FINAL ACT.

At the moment of proceeding to sign the Convention having for its object the exemption of hospital ships in time of war in the ports of the Contracting Parties from all dues and taxes imposed on vessels for the benefit of the State, the Plenipotentiaries signing the present Act express the wish that, in view of the highly humanitarian mission of these ships, the Contracting Governments may take the measures necessary in order to exempt these ships within a short time also from the payment of the dues and taxes collected in their ports for the benefit of others than the State, especially those collected for the benefit of municipalities or of private companies or persons.

In witness whereof the Plenipotentiaries have signed the present procès-verbal, which, bearing the date of this day, may be signed up to the first of October, 1905.

Done at The Hague, the twenty-first of December, nineteen hundred and four, in a single copy, which shall remain on file in the archives of the Government of the Netherlands, and of which certified copies shall be delivered through the diplomatic channel to the Powers signing the aforementioned Convention.

The plenipotentiary of H. M. the Emperor of Germany, King of Prussia

v. SCHLÖZER.

The plenipotentiary of His Imperial and Royal Apostolic Majesty
OKOLICSANYI D'OKOLICSNA.

The plenipotentiary of H. M. the King of the Belgians
GUILLAUME.

The plenipotentiary of H. M. the Emperor of China
HOO WEI-TEH.

The plenipotentiary of H. M. the Emperor of Korea
Y. C. MIN.

The plenipotentiary of H. M. the King of Denmark
W. GREVENKOP CASTENSKIOLD.

The plenipotentiary of H. M. the King of Spain
A. DE BAGUER.

The plenipotentiary of the United States of America
JOHN W. GARRETT.

The plenipotentiary of the United Mexican States
J. ZENIL.

The plenipotentiary of the French Republic

MONBEL.

The plenipotentiary of H. M. the King of the Hellenes

D. G. METAXAS.

The plenipotentiary of H. M. the King of Italy

TUGINI.

The plenipotentiary of His Majesty the Emperor of Japan

NOBUKATA MITSUHASHI.

The plenipotentiary of H. R. H. the Grand Duke of Luxemburg, Duke
of Nassau

C^{te}. DE VILLERS.

The plenipotentiary of H. H. the Prince of Montenegro

N. TOCHARYKOW.

The plenipotentiary of Her Majesty the Queen of the Netherlands

T. M. C. ASSER.

The plenipotentiary of the Peruvian Republic

C. G. CANDAMO.

The plenipotentiary of H. I. M. the Shah of Persia

M. SAMAD.

The plenipotentiary of H. M. the King of Portugal and of the
Algarves, etc.

CONDE DE SELIR.

The plenipotentiary of H. M. the King of Roumania

J. N. PAPINIU.

The plenipotentiary of H. M. the Emperor of All the Russias

MARTENS.

The plenipotentiary of H. M. the King of Servia

VESNITCH.

The plenipotentiary of H. M. the King of Siam

RAJA NUPRAPHANDH.

The plenipotentiary of the Swiss Confederation

CARLIN.

Certified to as a true copy.

HANNEMA,

*Secretary General of the Ministry of Foreign Affairs of the
Netherlands.*

Convention between the United States and Mexico for the Elimination of the Bancos in the Rio Grande from the effects of Article II of the Treaty of November 12, 1884, signed at Washington, March 20, 1905; ratification advised by the Senate, February 28, 1907; ratified by President, March 13, 1907; ratified by Mexico, March 15, 1907; ratifications exchanged at Washington, May 31, 1907; proclaimed, June 5, 1907.

(Signed also in Spanish.)

WHEREAS, for the purpose of obviating the difficulties arising from the application of Article V of the Treaty of Guadalupe-Hidalgo, dated February 2, 1848, and Article I of the Treaty of December 30, 1853, both concluded between the United States of America and Mexico — difficulties growing out of the frequent changes to which the beds of the Rio Grande and Colorado River are subject — there was signed in Washington on November 12, 1884, by the Plenipotentiaries of the United States and Mexico, a convention containing the following stipulations:

“ARTICLE I. — The dividing line shall forever be that described in the aforesaid Treaty and follow the center of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

“ARTICLE II. — Any other change, wrought by the force of the current whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.”

WHEREAS, as a result of the topographical labors of the Boundary Commission created by the Convention of March 1, 1889, it has been observed that there is a typical class of changes effected in the bed of the Rio Grande, in which, owing to slow and gradual erosion, coupled with avulsion, said river abandons its old channel and there are separated from it small portions of land known as “bancos” bounded by the said old bed, and which, according to the terms of Article II of the aforementioned Convention of 1884, remain subject to the dominion and jurisdiction of the country from which they have been separated;

WHEREAS, said "bancos" are left at a distance from the new river bed, and, by reason of the successive deposits of alluvium, the old channel is becoming effaced, the land of said "bancos" becomes confused with the land of the "bancos" contiguous thereto, thus giving rise to difficulties and controversies, some of an international and others of a private character;

WHEREAS, the labors of the International Boundary Commission, undertaken with the object of fixing the boundary line with reference to the "bancos," have demonstrated that the application to these "bancos" of the principle established in Article II of the Convention of 1884 renders difficult the solution of the controversies mentioned, and, instead of simplifying, complicates the said boundary line between the two countries:

Therefore, the Governments of the United States of America and the United States of Mexico, being desirous to enter into a convention to establish more fitting rules for the solution of such difficulties, have appointed as their Plenipotentiaries —

That of the United States of America, Alvey A. Adee, Acting Secretary of State of the United States;

That of the United States of Mexico, its Ambassador Extraordinary and Plenipotentiary, Licenciado Don Manuel de Azpíroz;

Who, after exhibiting their full powers, found to be in good and due form, have agreed to the following articles:

ARTICLE I. The fifty-eight (58) bancos surveyed and described in the report of the consulting engineers, dated May 30, 1898, to which reference is made in the record of proceedings of the International Boundary Commission, dated June 14, 1898, and which are drawn on fifty-four (54) maps on a scale of one to five thousand (1 to 5,000), and three index maps, signed by the Commissioners and by the Plenipotentiaries appointed by the convention, are hereby eliminated from the effects of Article II of the Treaty of November 12, 1884.

Within the part of the Rio Grande comprised between its mouth and its confluence with the San Juan River the boundary line between the two countries shall be the broken red line shown on the said maps — that is, it shall follow the deepest channel of the stream — and the dominion and jurisdiction of so many of the aforesaid fifty-eight (58) bancos as may remain on the right bank of the river shall pass to Mexico, and the dominion and jurisdiction of those of the said fifty-eight (58) bancos which may remain on the left bank shall pass to the United States of America.

ART. II. The International Commission shall, in the future, be guided by the principle of elimination of the bancos established in the foregoing article, with regard to the labors concerning the boundary line throughout that part of the Rio Grande and the Colorado River which serves as a boundary between the two nations. There are hereby excepted from this provision the portions of land segregated by the change in the bed of the said rivers having an area of over two hundred and fifty (250) hectares, or a population of over two hundred (200) souls, and which shall not be considered as bancos for the purposes of this treaty and shall not be eliminated, the old bed of the river remaining, therefore, the boundary in such cases.

ART. III. With regard to the bancos which may be formed in future, as well as to those already formed but which are not yet surveyed, the Boundary Commission shall proceed to the places where they have been formed, for the purpose of duly applying Articles I and II of the present convention, and the proper maps shall be prepared in which the changes that have occurred shall be shown, in a manner similar to that employed in the preparation of the maps of the aforementioned fifty-eight (58) bancos.

As regards these bancos, as well as those already formed but not surveyed, and those that may be formed in future, the Commission shall mark on the ground, with suitable monuments, the bed abandoned by the river, so that the boundaries of the bancos shall be clearly defined.

On all separated land on which the successive alluvium desposits have caused to disappear those parts of the abandoned channel which are adjacent to the river, each of the extremities of said channel shall be united by means of a straight line to the nearest part of the bank of the same river.

ART. IV. The citizens of either of the two contracting countries who, by virtue of the stipulations of this convention, shall in future be located on the land of the other may remain thereon or remove at any time to whatever place may suit them, and either keep the property which they possess in said territory or dispose of it. Those who prefer to remain on the eliminated bancos may either preserve the title and rights of citizenship of the country to which the said bancos formerly belonged, or acquired the nationality of the country to which they will belong in the future.

Property of all kinds situated on the said bancos shall be inviolably respected, and its present owners, their heirs, and those who may subsequently acquire the property legally, shall enjoy as complete security

with respect thereto as if it belonged to citizens of the country where it is situated.

ART. V. This convention shall be ratified by the two high contracting parties in accordance with their respective Constitutions, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, we, the undersigned, by virtue of our respective powers, have signed the present convention, both in the English and Spanish languages, and have thereunto affixed our seals.

Done in duplicate, at the City of Washington, this 20th day of March, one thousand nine hundred and five.

ALVEY A. ADEE [SEAL]

M. DE AZPÍROZ [SEAL]

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PROTOCOL OF SIGNATURE.

The Plenipotentiaries of the United States and Mexico who, on March 20, 1905, signed the treaty for the elimination of bancos in the Rio Grande, having omitted involuntarily to sign the maps mentioned in Article I thereof and which form a part of the said instrument, the undersigned Plenipotentiaries have met together this day and signed the above mentioned maps in conformity with the authority conferred upon them by their respective Governments.

In witness whereof they have signed the present Protocol of Signature and have affixed their seals thereto.

Done at Washington this fourteenth day of November one thousand nine hundred and five.

[SEAL] ALVEY A. ADEE

[SEAL] JOSÉ F. GODOY

Convention between the United States and Mexico providing for the Equitable Distribution of the Waters of the Rio Grande for Irrigation Purposes, signed at Washington, May 21, 1906; ratification advised by the Senate, June 26, 1906; ratified by the President, December 26, 1906; ratified by Mexico, January 5, 1907; ratifications exchanged at Washington, January 16, 1907; proclaimed, January 16, 1907.

(Signed also in Spanish.)

The United States of America and the United States of Mexico being desirous to provide for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of con-

troversy between them in respect thereto, and being moved by considerations of international comity, have resolved to conclude a Convention for these purposes and have named as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the United States of Mexico, His Excellency Señor Don Joaquin D. Casasús, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

Who, after having exhibited their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

ART. I. After the completion of the proposed storage dam near Engle, New Mexico, and the distributing system auxiliary thereto, and as soon as water shall be available in said system for the purpose, the United States shall deliver to Mexico a total of 60,000 acre-feet of water annually, in the bed of the Rio Grande at the point where the head works of the Acequia Madre, known as the Old Mexican Canal, now exist above the city of Juarez, Mexico.

ART. II. The delivery of the said amount of water shall be assured by the United States and shall be distributed through the year in the same proportions as the water supply proposed to be furnished from the said irrigation system to lands in the United States in the vicinity of El Paso, Texas, according to the following schedule, as nearly as may be possible:

	Acre-feet per month.	Corresponding cubic feet of water.
January.....	0	0
February.....	1,090	47,480,400
March.....	5,460	237,837,600
April.....	12,000	522,720,000
May.....	12,000	522,720,000
June.....	12,000	522,720,000
July.....	8,180	356,320,800
August.....	4,870	190,357,200
September.....	8,270	142,441,200
October.....	1,090	47,480,400
November.....	540	23,522,400
December.....	0	0
Total for the year.....	60,000 acre-feet.	2,618,600,000 cubic feet

In case, however, of extraordinary drought or serious accident to the irrigation system in the United States, the amount delivered to the Mexican Canal shall be diminished in the same proportion as the water delivered to lands under said irrigation system in the United States.

ART. III. The said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican Canal. It is understood that the United States assumes no obligation beyond the delivering of the water in the bed of the river above the head of the Mexican Canal.

ART. IV. The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters; and it is agreed that in consideration of such delivery of water, Mexico waives any and all claims to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican Canal and Fort Quitman, Texas, and also declares fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing, or that may hereafter arise, or be asserted, against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico, by reason of the diversion by citizens of the United States of waters of the Rio Grande.

ART. V. The United States, in entering into this treaty, does not thereby concede, expressly or by implication, any legal basis for any claims heretofore asserted or which may be hereafter asserted by reason of any losses incurred by the owners of land in Mexico due or alleged to be due to the diversion of the waters of the Rio Grande within the United States; nor does the United States in any way concede the establishment of any general principle or precedent by the concluding of this treaty. The understanding of both parties is that the arrangement contemplated by this treaty extends only to the portion of the Rio Grande which forms the international boundary, from the head of the Mexican Canal down to Fort Quitman, Texas, and in no other case.

ART. VI. The present Convention shall be ratified by both contracting parties in accordance with their constitutional procedure, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the Convention both in the English and Spanish languages and have thereunto affixed their seals.

Done in duplicate at the City of Washington, this 21st day of May, one thousand nine hundred and six.

ELIHU ROOT [SEAL.]

JOAQUIN D CABASUS [SEAL.]

Extradition treaty between Mexico and Guatemala,¹ signed May 19, 1894.

His Excellency the President of the United States of Mexico and his Excellency the President of Guatemala, having agreed to provide for the extradition of criminals by means of a Convention, have named their Plenipotentiaries for that purpose, that is to say:

His Excellency the President of the United States of Mexico, Señor Licenciado Don José F. Godoy, his Chargé d'Affaires *ad interim* in Guatemala;

His Excellency the President of Guatemala, Señor Doctor Don Ramon A. Salazar, Secretary of State for Foreign Affairs;

Who, after having exchanged their full powers, have agreed upon the following Articles:—

ART. I. The Mexican Government and that of Guatemala engage to deliver up to each other, at the request which one of the two Governments may make to the other, with the sole exception of its own subjects, those persons accused or convicted by the competent authorities of the country in which the offence may be committed, as authors or accomplices of the crimes and offences enumerated in Article II of this Convention, who shall be found within the territory of the other Contracting State. Nevertheless, when the crime or offence which may give rise to the requisition for extradition shall have been committed without the territory of the two Contracting Parties, such requisition may be acted upon, provided that the laws of the country applied to authorize the prosecution of such offences committed without its territory.

II. The crimes and offences comprehended by the preceding Article are —

1. Assassination.
2. Poisoning.
3. Parricide.
4. Infanticide.
5. Manslaughter.

¹ British and Foreign State Papers, vol. 86, page 555.

6. Violation and rape.
7. Arson.
8. Alteration or falsification of documents or public credit, bank notes or public or private securities, issuing or bringing into circulation of such counterfeit or falsified documents, bank notes, or securities, falsification by means of manuscript or of telegraphic messages, and making use of such counterfeit, manufactured, or falsified messages, documents of credit, bank notes, or securities.
9. Making false money, including counterfeiting and alteration; issue and bringing into circulation of counterfeit or altered money; as also fraud in the selection of samples for the trial of the fineness and weight of coins.
10. Perjury and false declarations of experts or interpreters.
11. Attempts against the liberty of the subject and violation of domicile, committed by private individuals.
12. Robbery, extortion, fraud, exactions, or misappropriation, committed by public functionaries.
13. Fraudulent bankruptcies and frauds connected with failures.
14. Associations of criminals.
15. Threats, of acts punishable by the criminal laws, against the person or property; offers or proposals to commit a crime or to take part in it, or acceptance of such offers or proposals.
16. Abortion.
17. Bigamy.
18. Stealing, receiving, concealment, substitution, or
19. Exposing or abandoning children.
20. Kidnapping.
21. Indecent assault, with violence.
22. Indecent assault, committed without violence on the person, or with the aid of the person, of a child of either sex under 14 years of age.
23. Attempts against morals, inciting, aiding or abetting, habitually, for the gratification of the passions of third parties, the licentiousness or corruption of minors of either sex.
24. Wilful and premeditated assault and wounding, whether occasioning death or incurable injury, or permanent incapacity for work, or resulting in serious mutilation, or the amputation, or the loss of the use of a member, or blindness or loss of the complete use of an organ.
25. Abuse of confidence and imposition.
26. Subornation of witnesses, experts, or interpreters.
27. Perjury.

28. Alteration or falsification of seals, stamps, punches, or marks; use of counterfeit or falsified seals, stamps, punches, or marks, and improper use of true seals, stamps, punches, transport coupons, postals seals, and marks.

29. Corruption of public functionaries.

30. Destruction of a railway line, interference with the running of trains, with the object of occasioning either the death or the injury of the passengers.

31. Destruction of steam-engine constructions, or telegraphic apparatus.

32. Destruction or damaging of sepulchres, monuments, objects of art, deeds, documents, registers, and other papers.

33. Destruction, damaging, or injury of goods, merchandize, and other movable property.

34. Destruction or devastation of crops, plantations, trees, or grafts.

35. Destruction of agricultural implements. and destruction or poisoning of cattle and other animals.

36. Opposition to the making or execution of public works.

37. Barratry and piracy, comprising both the seizing of a vessel by persons belonging to its crew, by means of fraud or violence towards the captain or whoever may represent him; and the abandoning of the vessel by the captain, except in those cases provided for by the law.

38. Attack on or resistance to the captain by the crew of a vessel, accompanied by acts of violence by more than one-third of the crew, refusal to obey the orders of the captain or mate, for the saving of the ship or cargo, with blows and wounding, plot against the safety, liberty, or authority of the captain.

39. Receiving of articles acquired by means of any of the crimes or offences specified in the present Convention.

Attempts to commit the foregoing, when punishable according to the laws of the two contracting countries, are comprehended in the above-mentioned provisions. In all cases, extradition shall only take place for criminal acts which may be punishable in the country applied to by a penalty of not less than one year's imprisonment.

III. The requisition for extradition shall always be made through the diplomatic channel.

IV. Extradition shall be granted by virtue of the presentation, either of the original or certified copy of the decision or sentence of condemnation, or of the warrant of arrest, or of any other order having the same force, provided that it contains an exact description of the act for which

it has been issued. These documents shall be accompanied by a copy of the test of the Law applicable to the alleged offence, and, if possible, by the record of the individual claimed.

V. In urgent cases the provisional arrest shall be effected on the receipt of notice, sent by post or telegraph, of the existence of a warrant of arrest; on condition, nevertheless, that this notice be given in due form, through the diplomatic channel, to the Minister of Foreign Affairs of the country applied to. The provisional arrest shall take place in the manner and according to the regulations established by the laws of the Government applied to; and shall cease to be effective if, at the expiration of three months reckoned from the time it was effected, the accused be not shown one of the documents referred to in Article IV of the present Convention.

VI. The extradition shall not take place if it is applied for on account of an offence for which the person claimed has already been convicted, declared innocent or acquitted in the country of the Government applied to.

If the person should be proceeded against or convicted in the country in which he is found, his extradition shall be deferred until the abandonment of the prosecution, the declaration of his innocence or acquittal, or the time when he has served his sentence.

In the event of his being prosecuted or detained in the same country on account of liabilities contracted with private individuals, his extradition shall take place, notwithstanding the injured parties being at liberty to enforce their right before the competent authority.

VII. When the same person is claimed at the same time by several States, the State applied to is at liberty to decide to which country he shall be handed over.

VIII. A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if the President of the nation where he is found believes that, although extradition is applied for in respect to an ordinary offence, the real object is to punish a political offense; in such case the President is not obliged to state the reasons for his refusal.

Attempts against the person of the Head of a foreign State or against a member of his family, when such attempts are of the nature of homicide, assassination, or poisoning, shall not be considered as political offences or as acts in the nature of such offences.

IX. The person surrendered can in no case be prosecuted or punished in the State in which the extradition has been granted, nor be handed

over to a third State, for any crime or offence not provided for in the present Convention and previous to his extradition, until he has had in either case the opportunity of leaving the before-mentioned country during three months after his trial, or, in case of conviction, after having served his sentence or having been pardoned.

Neither can he be prosecuted or punished on account of a crime or offence provided for in the present Convention and previous to his extradition, but distinct from that which caused the latter, except with the consent of the Government that granted it, which may, if it thinks proper, require the production of one of the documents in Article IV of the present Convention. The consent of this Government shall be equally necessary to permit the extradition of the accused to a third country. Nevertheless, such consent shall not be necessary when the accused of his own accord asks to be tried or to serve his sentence, or when he has not, within the period above mentioned, left the territory of the country to which he was handed over.

X. Extradition shall be refused if, in accordance with the laws of the country in which the accused is found, exemption from punishment or prosecution is acquired from lapse of time, to be reckoned from the date of the alleged acts, or from the date of prosecution or conviction.

XI. When grounds exist for granting extradition, all articles seized which might serve to prove the crime or offence, as well as the stolen goods, shall, according to the judgment of the competent authority, be handed over to the demanding State, both when extradition is effected, the accused being arrested, and when it is impossible to effect the same, through the fresh escape or death of the prisoner. This delivery shall also comprise any articles the accused may have hidden or deposited in the country and which are subsequently discovered.

The rights of third parties, not implicated in the prosecution, who may have acquired any articles mentioned in the present Article, shall not be affected.

XII. The expenses incurred in the arrest, detention, custody, food, and travelling expenses of the person whose extradition is granted, as also the cost of transport of the objects mentioned in the preceding Article, shall be borne by the Government applying for the extradition.

XIII. It is formally stipulated that the extradition, by way of transit through the respective territories of the Contracting States, of a person who does not belong to the country through which he is passing, shall be granted on the mere presentation of the original or a certified copy of one of the documents mentioned in Article IV above quoted,

provided that the act which forms the basis for the extradition is comprised in the present Convention, and is not included in the provisions of Articles VIII and IX.

XIV. When in the prosecution of a non-political criminal case one of the Governments considers the examination of witnesses residing in the other State to be necessary, it shall send a request to that effect through the diplomatic channel; and the competent authorities shall carry out the same according to the laws of the country in which the examination of witnesses is held. Both Governments renounce all claim having for object the reimbursement of expenses resulting from the fulfilment of such requests, except in the case of the examination of experts in criminal, commercial, or medical-legal cases, which may require several days to carry out.

XV. When in a non-political criminal case the notification of any proceedings or of a sentence issued by the authority of one of the contracting countries has to be made to a person residing in the other country, the document forwarded through the diplomatic channel shall be notified to him personally by direction of the Public Prosecutor's office of his place of residence, through the competent authority, and the original indorsed with a duly legalized Minute of such notification shall be returned through the same channel to the demanding Government.

XVI. When in a non-political criminal case the personal appearance of a witness, is needed, the Government of the country where the latter is residing shall request him to appear where he is summoned. If the witness consents to proceed, he shall be at once furnished with the passport that may be necessary, and his travelling and living expenses shall be given to him, according to the current tariffs and regulations, by the country in which the examination is to take place. No witness of whatsoever nationality who, summoned by one of the two countries, shall voluntarily appear before the Courts of the other, can be prosecuted or arrested for previous criminal or correctional acts or convictions, nor for alleged complicity in the acts which form the subject of the case in which he figures as witness.

When, in any non-political criminal case commenced in either of the two countries, the presentation of proof or judicial documents is considered expedient, the request for the same made through the diplomatic channel shall be complied with, except where special considerations prevent it, on condition of the return of such documents.

The Contracting Governments renounce all claim for all expenses occasioned within the limits of their respective territories for the dispatch and return of proofs and documents.

XVII. The two Governments oblige themselves to communicate reciprocally to each other the convictions for crimes and offences of all kinds which may be given by the Courts of one State against the citizens of the other. Such communications shall be effected by means of the dispatch, through the diplomatic channel, of a bulletin or an extract of the sentence pronounced to the Government of the country to which the criminal belongs. Each of the two Governments shall give the necessary instructions to the competent authorities on this point.

XVIII. The present Convention shall be for five years, counted from the date of the exchange of the ratifications; it shall come into force three months after the date of such exchange of ratifications, and shall remain in force until one year from the day on which one of the two Governments may declare its wish to abrogate it.

It shall be ratified, and the ratifications exchanged, as soon as possible, in the city of Guatemala.

In witness whereof the respective Plenipotentiaries have signed and set their respective seals.

Done in the city of Guatemala, in two originals, the 19th day of May, 1894.

[L. s.]	JOSÉ F. GODOY.
[L. s.]	RAMON A. SALAZAR.

*Treaty of Arbitration concluded between Argentina and Chile,¹
signed May, 28, 1902.*

No. 1.

PRELIMINARY PROTOCOL.

[TRANSLATION.]

The Minister for Foreign Affairs, Don José Francisco Vergara Donoso, and Don José A. Terry, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, having met together at the Ministry for Foreign Affairs of Chile, with a view to settling the rules for deciding differences of any kind whatsoever which might tend to disturb the good relations existing between the two countries, and thereby consolidating the peace maintained up to the present, notwithstanding periodical

¹ Translation in cd. 2739, presented to House of Commons.

alarms caused by the long dispute as to frontier delimitation, the Argentine Minister Plenipotentiary stated that the intention of his Government, conformable to the international policy which it had always observed, was, to endeavour in every case to solve questions arising with other States in a friendly manner; that the Government of the Argentine Republic had obtained such a result by keeping within their rights and respecting to its full limits the sovereignty of other nations, without interfering in their internal affairs or in their external questions; that in consequence thereof they could have conceived no intention of territorial expansion; that his Government would persist in this policy; and that, believing that they were interpreting the public opinion of their country, they made these solemn declarations, now that the moment had come for Chile and the Argentine Republic to remove all causes for trouble in their international relations.

The Minister for Foreign Affairs, on his part, declared that his Government had always held, and still hold, those elevated views which the Minister of the Argentine Republic had just expressed on behalf of his Government; that Chile had given numerous proofs of the sincerity of her aspirations, by embodying in her international Agreements the principle of arbitration as a means of solving difficulties with friendly nations; that, respecting the independence and integrity of other States, she also did not harbour designs of territorial expansions, except such as resulted from the fulfillment of Treaties at present in existence or which might hereafter be concluded; that his Government would persist in this policy; that, happily, the question of the delimitation of frontier between Chile and the Argentine Republic had ceased to be a danger to peace, since both nations were awaiting the arbitral decision of His Britannic Majesty; that, in consequence, believing that he was interpreting the public opinion of Chile, he made these declarations, deeming, in common with the Argentine Minister, that the moment had now come to remove all cause for trouble in the relations between the two countries.

In view of this conformity of sentiments, it was arranged:

1. To conclude a General Treaty of Arbitration which would guarantee the realization of the aims referred to.
2. To draw up a Protocol of the present Conference, such document to be considered as forming an integral part of the Treaty itself.

In witness whereof, two copies of the present note were signed on the 28th of May, 1902.

[Signed] JOSÉ F. VERGARA DONOSO.
 JOSÉ A. TERRY.

No. 2.

*General Treaty of Arbitration between Chile and the Argentine Republic,
signed May, 28, 1902.*

[TRANSLATION.]

The Governments of the Argentine Republic and of Chile, animated by a mutual desire of solving, by friendly means, any question which may arise between the two countries, have agreed to conclude a General Treaty of Arbitration, for which purpose they have constituted as their Ministers Plenipotentiary, namely:

His Excellency the President of the Republic of Chile, Señor Don José Francisco Vergara Donoso, Minister of State in the Department of Foreign Affairs; and,

His Excellency the President of the Argentine Republic, Señor Don José Antonio Terry, Envoy Extraordinary and Minister Plenipotentiary of that country:

Who, after having exchanged their full powers, which they found in good and due form, have agreed to the stipulations contained in the following Articles:

ARTICLE I. The High Contracting Parties bind themselves to submit to arbitration all controversies between them, of whatever nature they may be, or from whatever cause they may have arisen, except when they affect the principles of the Constitution of either country, and provided that no other settlement is possible by direct negotiations.

ART. II. Questions which have already been the subject of definite settlement between the High Contracting Parties cannot, in virtue of this Treaty, be reopened. In such cases arbitration will be limited exclusively to the questions which may arise respecting the validity, the interpretation, and the fulfillment of such Agreements.

ART. III. The High Contracting Parties nominate as Arbitrator His Britannic Majesty's Government. If either of the Parties should break off friendly relations with His Britannic Majesty's Government, in that event both Parties nominate as Arbitrator the Government of the Swiss Confederation.

Within the period of sixty days, dating from the exchange of ratifications, both Parties shall, jointly or separately, request His Britannic Majesty's Government, the Arbitrator in the first instance, and the Government of the Swiss Confederation, the Arbitrator in the second instance, to consent to accept the duty of Arbitrators conferred upon them by this Treaty.

ART. IV. The points, questions, or difficulties involved shall be determined by the Contracting Governments, who may define the scope of the Arbitrator's powers and any other circumstance relating to the procedure.

ART. V. In default of agreement, either of the Parties may invite the intervention of the Arbitrator, whose duty it will be to determine the Agreement, the time, place, and formalities of the proceedings, as also to settle any difficulties of procedure as to which disputes may arise in the course of the arbitration.

The Contracting Parties undertake to place all the information in their power at the disposal of the Arbitrator.

ART. VI. Each of the Parties may appoint one or more Delegates to represent it before the Arbitrator.

ART. VII. The Arbitrator is competent to decide upon the validity and interpretation of the Agreement, as also to settle the disputes which may arise between the Contracting Parties as to whether certain questions have or have not been submitted to jurisdiction by arbitration in the written Agreement.

ART. VIII. The Arbitrator shall decide in accordance with the principles of international law, unless the Agreement calls for the application of special rules or authorizes the Arbitrator to decide in the character of a friendly mediator.

ART. IX. The Award shall decide definitely each point in dispute, and the reasons for the same shall be stated.

ART. X. The Award shall be drawn up in duplicate, and shall be notified to each of the Parties by means of its Representative.

ART. XI. The Award legally pronounced decides, within the limits of its scope, the dispute between the Parties.

ART. XII. The Arbitrator shall fix in the Award the time within which it shall be executed, and be competent to settle any questions which may arise with respect to its execution.

ART. XIII. There is no appeal against the Award, and its fulfillment is intrusted to the honour of the nations who have signed this Agreement. Nevertheless, recourse to revision shall be allowed before the same Arbitrator who pronounced it, provided such action be taken within the time allotted for the execution and in the following cases:

1. If the Award has been given on the strength of a document which has been falsified or tampered with; and
2. If the Award has been, in whole or in part, the consequence of an error of fact resulting from the arguments or documents of the case.

ART. XIV. Each one of the Parties shall defray its own expenses and half of the the general expenses of the Arbitrator.

ART. XV. The present Treaty shall remain in force ten years, dating from the exchange of ratifications; and if it shall not have been denounced six months before the date of its expiry, it shall be considered renewed for another ten years, and so on.

The present Treaty shall be ratified and the ratifications shall be exchanged in Santiago de Chile within six months of its date.

In witness whereof the Plenipotentiaries of the Argentine Republic and of the Republic of Chile have respectively signed and sealed the present Treaty in duplicate, in the city of Santiago, on the 28th day of May, 1902.

[Signed] J. F. VERGARA DONOSO.
JOSÉ A. TERRY.

No. 3.

Convention between Chile and the Argentine Republic respecting the Limitation of Naval Armaments, signed May 28, 1902.¹

[TRANSLATION.]

The Minister for Foreign Affairs, Don José Francisco Vergara Donoso, and Dr. José Antonio Terry, Envoy Extraordinary of the Argentine Republic, having met together in the Ministry for Foreign Affairs of Chile, have agreed to include in the following Convention the various decisions arrived at for the limitation of the naval armaments of the two Republics, decisions which have been taken owing to the initiative and the good offices of His Britannic Majesty's Government, represented in Chile by their Envoy Extraordinary and Minister Plenipotentiary, Mr. Gerard Lowther, and in the Argentine Republic by their Envoy Extraordinary and Minister Plenipotentiary, Sir William A. C. Barrington:

ARTICLE I. With the view of removing all motive for uneasiness or suspicion in either country, the Governments of Chile and of the Argentine Republic desist from acquiring the vessels of war now building for them, and from henceforth making new acquisitions.

Both Governments agree, moreover, to reduce their respective fleets, with which object they will continue to exert themselves until they arrive at an understanding which shall establish a just balance between the said fleets.

This reduction shall take place within one year, counting from the date of the exchange of ratifications of the present Convention.

¹ Translation in ed. 2739, presented to House of Commons.

ART. II. The two Governments bind themselves not to increase their naval armaments during a period of five years, without previous notice; the one intending to increase them shall give the other eighteen months' notice.

It is understood that all armament for the fortification of the coasts and ports is excluded from this Agreement, and any floating machine, such as submarine vessels, etc., destined exclusively for the defence of these, can be acquired.

ART. III. The two Contracting Parties shall not be at liberty to part with any vessel, in consequence of this Convention, in favour of countries having questions pending with one or the other.

ART. IV. In order to facilitate the transfer of pending contracts, both Governments bind themselves to prolong for two months the term stipulated for the delivery of the vessels building, for which purpose they will give the necessary instructions immediately this Convention has been signed.

ART. V. The ratifications of this Convention shall be exchanged within the period of sixty days, or less if possible, and the exchange shall take place in this City of Santiago.

In witness whereof the Undersigned have signed and put their seals to two copies of this Convention in the City of Santiago, the 28th day of the month of May, 1902.¹

[Signed] J. F. VERGARA DONOSO.
J. A. TERRY.

No. 4.

Señor Donoso to Señor Terry.

[TRANSLATION.]

SANTIAGO, May 28, 1902.

M. LE MINISTRE,

The second part of Article I of the Convention, concluded for curtailing the naval armaments of Chile and of the Argentine Republic, states: "Both Governments agree, moreover, to reduce their respective fleets, with which object they will continue to exert themselves until they arrive at an understanding which shall establish a just balance between the said fleets; this reduction shall take place within one year, counting from the date of exchange of ratifications of the present Convention."

¹ Erroneously printed "1892" in ed. 2739.

This Government understands that any differences which may arise with respect to the execution of the clause I have cited are to be decided by the Arbitrator, in accordance with the stipulation in Article I of the General Treaty of Arbitration signed this day.

Trusting that your Excellency will be good enough to inform me of the view of your Government in this respect, I have, etc.,

[Signed] JOSÉ FRANCISCO VERGARA DONOSO.

Señor Terry to Señor Donoso.

[TRANSLATION.]

M. LE MINISTRE,

SANTIAGO, *May 28, 1902.*

I have had the honour to receive your Excellency's note of this date, by which you are good enough to inform me that your Government interprets the second part of Article I of the Convention respecting the limitation of armaments in the sense that any difference which may arise and which cannot be settled directly between the Chanceries within the year shall be a matter for general arbitration, in accordance with the Treaty signed to-day.

In reply, I have the honour to inform your Excellency that my Government places a similar interpretation on the above-mentioned clause.

I renew, etc.

[Signed] J. A. TERRY.

No. 5.

Explanatory Protocol, signed July 10, 1902.

[TRANSLATION.]

Señor Don José Francisco Vergara Donoso, Minister for Foreign Affairs of Chile, and Señor Don José Antonio Terry, the Argentine Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, having met together in the Ministry for Foreign Affairs of Chile in order to remove the slight doubts which have arisen in both countries, and to give to the Agreements signed on the 28th May last the full value of the high aims with which they were signed, and being duly authorized, declared that their respective Governments agreed:

1. That the carrying out of existing Treaties, or of others which may be rendered necessary by them, which question is referred to in the Preliminary Declaration in the Treaty of Arbitration, cannot be the subject of Arbitration between the two Parties, and consequently neither of the

contracting Governments has the right to interfere with the manner in which the other may choose to give effect to those Treaties.

2. That the carrying out of paragraph 2 of Article I of the Convention concerning naval armaments, in virtue of which a just balance between the two fleets was to be established, shall not necessitate the sale of vessels, but that this just balance may be arrived at by a disarmament or by other means to the extent required, in order that both Governments may retain the necessary fleets, the one for their natural defence and for the permanent safeguard of the Republic of Chile in the Pacific, and the other for the natural defence and the permanent safeguard of the Argentine Republic in the Atlantic and in the River Plate.

3. That the Agreements referred to having been submitted to the respective Congress of both countries, the present instrument shall likewise be brought to the knowledge of those bodies.

In faith whereof the Undersigned have hereunto affixed their signature in duplicate at Santiago, this 10th day of July, 1902.

[Signed] J. F. VERGARA DONOSO.
J. A. TERRY.

No. 6.

Agreement concluded and signed between the Argentine Republic and Chile on the 9th January, 1903, giving effect to the terms of the Convention of May 28, 1902, for the Limitation of Naval Armaments.

[TRANSLATION.]

His Excellency Dr. Luis M. Drago, Minister for Foreign Affairs and Worship, and his Excellency Don Carlos Concha, Envoy Extraordinary and Minister Plenipotentiary of Chile, having met together in the Department of Foreign Affairs and Worship in Buenos Aires, on the 9th of January, 1903, with the view of giving effect to the just balance which both countries have decided to establish between their respective fleets, in conformity with the Treaty on Naval Armaments signed on the 28th May, 1902, with the notes exchanged on the same date between the Chilean Ministry and the Minister Plenipotentiary of the Argentine Republic, and, with the Protocol which was signed on the 10th July, 1902, relating to the same matter, and, after having exchanged their respective powers, which were found in due form, have agreed to the following arrangement:

ARTICLE 1. The Argentine Republic and the Republic of Chile shall

hereafter, and in the shortest time possible, sell the vessels of war now building for them, for the former in the ship-yards of Ansaldo (Italy) and for the latter in those of Messrs. Vickers and Messrs. Armstrong (England), according to the stipulations set forth in paragraph 1 of Article 1 and in Article 3 of the Agreement of the 28th May, 1902. In the event of its not being possible from any cause to carry out the sale immediately, the High Contracting Parties may continue the building of the said ships, until they are completed, but in no case shall they be added to the respective fleets; not even with the previous notice of eighteen months required for the increase of naval armaments by the 2nd Article of the above-quoted Agreement.

ART. 2. Both the High Contracting Parties mutually agree immediately to put the vessels at present building at the disposal and at the orders of His Britannic Majesty, the Arbitrator appointed by the Treaty of the 28th May, 1902, informing him that they have agreed that the vessels shall not leave the yards where they actually are except only in case both High Parties jointly request it, either because their sale has been effected or in virtue of a subsequent Agreement.

ART. 3. The two High Contracting Parties shall immediately communicate to the ship-builders the fact that the vessels have been placed, by common consent of both Governments, at the disposal of the Arbitrator designated in the Treaty of the 28th May, 1902, without whose express order they may not be delivered to any nation or individual.

ART. 4. In order to establish the just balance between the two fleets, the Republic of Chile shall proceed to disarm the battle-ship "Capitán Prat," and the Argentine Republic to disarm its battle-ships "Garibaldi" and "Pueyrredon."

ART. 5. In order that the vessels may be considered disarmed, in accordance with the foregoing Article, they must be moored in a basin or port, having on board only the necessary crew to attend to the preservation of the material which cannot be removed, and they must have landed —

All coal.

All powder and ammunition.

Artillery of small calibre.

Torpedo tubes and torpedoes.

Electric search-lights.

Boats.

All stores of whatever kind.

For their better preservation it is permissible to roof in the decks.

ART. 6. The vessels mentioned in Article 4, which both Governments agree to disarm, shall remain in that state, and may not be rearmed without the previous notice of eighteen months which the Government who wishes to do so is obliged to give to the other Government, except in case of a subsequent Agreement or of their alienation.

ART. 7. Both Governments shall request the Arbitrator appointed by the Treaties of the 28th May, 1902, for the purpose of arranging difficulties to which questions on naval armaments may give rise, to accept the duties resulting from the present Agreement, for which purpose an authenticated copy thereof shall be sent to him.

In witness whereof the respective Plenipotentiaries sign and seal the present in duplicate.

[Signed] LUIS M. DRAGO.
CARLOS CONCHA.

*Treaty of Obligatory Arbitration between Argentine Republic, Bolivia, Dominican Republic, Guatemala, Mexico, Paraguay, Peru, Salvador, Uruguay.*¹ Signed at International American Conference, January 29, 1902.

The undersigned, Delegates to the second American International Conference from the Argentine Republic, Bolivia, Dominican Republic, Guatemala, El Salvador, Mexico, Paraguay, Peru, and Uruguay, assembled in the City of Mexico, who are duly authorised by their respective governments, have agreed to the following articles:

ARTICLE 1. The High Contracting Parties bind themselves to submit to the decision of arbitrators all disputes that exist or may arise between them, which they may not be able to settle by diplomatic means, whenever, in the exclusive judgment of any of the interested nations, such disputes do not affect the national independence or the national honor.

ART. 2. Neither the national independence nor the national honour shall be considered as imperilled by any dispute about diplomatic privileges, boundaries, rights of navigation, or the validity, interpretation, and fulfilment of treaties.

ART. 3. By virtue of the right recognised by Article 26 of the "Convention for the Pacific Settlement of International Conflicts," signed at The Hague on the 29th of July, 1899, the High Contracting Parties

¹ Darby, International Tribunals, (Fourth edition, 1904), page 726.

agree to submit to the decision of the Permanent Court of Arbitration, established by the said Convention, all the disputes, to which reference is made in this Treaty, unless any of the parties should prefer that a special tribunal should be organised.

In the event of their submission to the Permanent Court of Arbitration at The Hague, the High Contracting Parties shall comply with the provisions of the said Convention in so far as it relates to the organisation of the Arbitral Tribunal, as well as in respect to the procedure to which the latter shall be subject.

ART. 4. Whenever it may be necessary, from any cause whatever, to organise a Special Tribunal, either because any one of the parties may desire it or by reason of the Permanent Court of Arbitration at The Hague not being open to them, the procedure to be followed shall be established on the signing of the Arbitration Agreement. The Tribunal shall determine the date and place of its meetings and the language to be used, and shall in every case be invested with the power to determine all questions relating to its own jurisdiction, and even those referring to procedure on matters not provided for in the Arbitration Agreement.

ART. 5. If the High Contracting Parties, on the organisation of the Special Tribunal, should not have agreed as to the appointment of an Arbitrator, the Tribunal shall consist of three judges. Each State shall appoint an Arbitrator, and these shall designate an Umpire. Should they be unable to agree with reference to this designation, it shall be made by the Chief of a third State, who shall be nominated by the Arbitrators appointed by the Parties. Should they be unable to agree as to the last-mentioned appointment, each of the Parties shall designate a different Power, and the election of the Umpire shall then be made by the two Powers so designated.

ART. 6. The High Contracting Parties stipulate that, in case of grave disagreement or conflict between two or more of them, such as to render war imminent, recourse shall be had, so far as circumstances permit, to the good offices or mediation of one or more of the friendly Powers.

ART. 7. Independently of this recourse, the High Contracting Parties consider it useful that one or more Powers that are not concerned in the conflict, should spontaneously offer, so far as opportunity is presented, their good offices or their mediation to the States at variance.

The Powers not concerned in the conflict have the right of offering their Good Offices or Mediation, even during the course of hostilities.

The exercise of this right can never be considered by either of the Contending Parties as an unfriendly act.

ART. 8. The office of Mediator consists in reconciling the opposing claims, and appeasing the resentments which may have arisen between the Nations in conflict.

ART. 9. The functions of the Mediator cease from the moment when it is announced, either by one of the Contending Parties, or by the Mediator himself, that the means of conciliation proposed by the latter are not accepted.

ART. 10. Good Offices and Mediation, whether at the request of the Parties in conflict or on the initiative of Powers who have no part in it, are only in the nature of advice, and never of obligatory force.

ART. 11. The acceptance of mediation cannot have the effect, in the absence of an agreement to the contrary, of interrupting, retarding, or hindering mobilisation or other measures preparatory to war. If mediation should take place after the opening of hostilities, it shall not, in the absence of an agreement to the contrary, interrupt the course of the military operations.

ART. 12. In the case of grave differences which threaten to disturb the Peace, and whenever the interested Powers are unable to agree as to the election or acceptance of one of the friendly Powers as mediator, the disputing States are recommended to select a Power, which shall be specially entrusted with the mission of entering into direct relations with a Power chosen by the other interested nation, with the object of preventing the rupture of pacific relations.

During the continuance of this mandate, the duration of which, unless the contrary is stipulated, cannot exceed thirty days, the contending States shall cease all direct negotiation with reference to the dispute, which is to be considered as referred, exclusively, to the mediating Powers.

Should these friendly Powers be unable to come to an agreement as to the proposal of a solution acceptable to those who are in conflict, they shall designate a third, to which the mediation shall be entrusted.

In case of actual rupture of pacific relations, this third Power shall remain charged with the mission of profiting by every opportunity to re-establish Peace.

ART. 13. In disputes of an international character, arising from a difference in their estimate of matters of fact, the Signatory Republics consider it useful that the parties which have not been able to agree by diplomatic means should institute, as far as circumstances will permit, an International Commission of Inquiry, entrusted with the duty of facilitating the settlement of these disputes, by clearing up the questions of fact, by means of an impartial and conscientious investigation.

ART. 14. International Commissions of Inquiry are constituted by Special Convention between the parties in litigation. The Agreement shall specify the facts that are to be the subject matter of examination, as well as the extent of the powers of the Commissioners, and shall regulate the procedure to which they must adhere. The inquiry shall proceed by hearing both parties in turn, and the procedure and time allowed for the investigation, if not fixed by the agreement, shall be determined by the Commission itself.

ART. 15. International Commissions of Inquiry shall be constituted, unless it is stipulated to the contrary, in the same manner as the Arbitration Tribunal.

ART. 16. It is obligatory on the part of the Powers in litigation to furnish the International Commission of Inquiry, to the fullest extent they may consider possible, all the means and facilities necessary for the complete knowledge and exact appreciation of the facts in question.

ART. 17. The above mentioned Commissions shall be limited to the determination of matters of fact, and to the expression of opinion on those that are merely technical.

ART. 18. The International Commission of Inquiry shall present its report to the Powers that appointed it, signed by all the members of the Commission. This report, being limited to the investigation of matters of fact, shall by no means have the character of an arbitral award, and shall leave the contending Powers in entire freedom as to the value they shall attach to it.

ART. 19. The constitution of Commissions of Inquiry may be included in the Agreements (*compromis*) of Arbitration, as a preliminary procedure, in order to determine the facts that are to form the subject of adjudication.

ART. 20. The present Treaty does not annul any previous ones existing between two or more of the Contracting Parties, in so far as they give greater extension to obligatory arbitration. Nor does it alter the stipulations on Arbitration relating to specific questions that have already arisen, nor the course of the Arbitration procedure that is being followed with respect to them.

ART. 21. This Treaty shall become operative, without the necessity of the exchange of ratifications, as soon as three at least of the Signatory States shall notify their approval to the Government of the United States of Mexico, which will communicate it to the other Governments.

ART. 22. Non-signatory Powers may, at any time, give their adhesion to the present treaty. If any one of the Signatory Powers shall desire

to regain its liberty it must denounce the Treaty, but such denunciation can take effect solely in the case of the Power making it, and then only after the expiration of one year from the completion of the denunciation. Should the denouncing Power have any questions of arbitration pending at the expiration of the year, the denunciation shall not take effect in regard to the case still to be decided.

GENERAL DISPOSITIONS.

- I. The present Treaty shall be ratified as soon as possible.
- II. The ratifications shall be forwarded to the Ministry for Foreign Affairs of Mexico, where they shall be deposited.
- III. The Mexican Government shall send a certified copy of each ratification to the other Contracting Governments.

In witness hereof, they (the Delegates) have signed the present Treaty, and have respectively affixed their seals thereto.

Done at the City of Mexico, the 29th of January, 1902, in a single original, which shall remain deposited at the Ministry for Foreign Affairs of the United States of Mexico, certified copies of which shall be sent through diplomatic channels to the contracting Governments.

[Signed by the Delegates for the Argentine, Bolivian, Dominican, Guatemalan, Salvadorian, Mexican, Paraguayan, Peruvian, and Uruguayan Republics.]

Treaty for the Arbitration of Pecuniary Claims between United States of America, Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Hayti, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay.¹ Signed January 30, 1902.

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Hayti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties

¹ Foreign Relations of the United States, 1905, page 650.

that they might deem convenient for the interests of America, the following Delegates:

For the Argentine Republic. — Their Excellencies Antonio Bermejo, Martín García Mérou, Lorenzo Anadon.

For Bolivia. — His Excellency Fernando E. Guachalla.

For Colombia. — Their Excellencies Carlos Martínez Silva, General Rafael Reyes.

For Costa Rica. — His Excellency Joaquín Bernado Calvo.

For Chile. — Their Excellencies Alberto Blest Gana, Emilio Bello Codecido, Joaquín Walker Martínez, Augusto Matte.

For the Dominican Republic. — Their Excellencies Federico Henríquez y Carvajal, Luis Felipe Carbo, Quintín Gutiérrez.

For Ecuador. — His Excellency Louis Felipe Carbo.

For El Salvador. — Their Excellencies Francisco A. Reyes, Baltasar Estupinián.

For the United States of America. — Their Excellencies Henry G. Davis, William I. Buchanan, Charles M. Pepper, Volney W. Foster, John Barrett.

For Guatemala. — Their Excellencies Antonio Lazo Arriaga, Colonel Francisco Orla.

For Hayti. — His Excellency J. N. Léger.

For Honduras. — Their Excellencies José Leonard, Fausto Dávila.

For Mexico. — Their Excellencies Genaro Raigosa, Joaquín D. Casasús, José López Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

For Nicaragua. — His Excellency Luis F. Corea, His Excellency Fausto Davila.

For Paraguay. — His Excellency Cecilio Baez.

For Peru. — Their Excellencies Isaac Alzamora, Alberto Elmore, Manuel Álvarez Calderón.

For Uruguay. — His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed, to celebrate a Treaty to submit to the decision of arbitrators Pecuniary Claims for damages that have not been settled by diplomatic channel, in the following terms:

ARTICLE 1. The High Contracting Parties agree to submit to arbitra-

tion all claims for pecuniary loss or damage which may be presented by their respective citizens, and which cannot be amicably adjusted through diplomatic channels and when said claims are of sufficient importance to warrant the expenses of arbitration.

• ART. 2. By virtue of the faculty recognized by Article 26 of the Convention of The Hague for the pacific settlement of international disputes, the High Contracting Parties agree to submit to the decision of the permanent Court of Arbitration established by said Convention, all controversies which are the subject matter of the present Treaty, unless both Parties should prefer that a special jurisdiction be organized, according to Article 21 of the Convention referred to.

If a case is submitted to the Permanent Court of The Hague, the High Contracting Parties accept the provisions of the said Convention, in so far as they relate to the organization of the Arbitral Tribunal, and with regard to the procedure to be followed, and to the obligation to comply with the sentence.

ART. 3. The present Treaty shall not be obligatory except upon those States which have subscribed to the Convention for the pacific settlement of international disputes, signed at The Hague, July 29, 1899, and upon those which ratify the Protocol unanimously adopted by the Republics represented in the Second International Conference of American States, for their adherence to the Conventions signed at The Hague, July 29, 1899.

ART. 4. If, for any cause whatever, the Permanent Court of The Hague should not be opened to one or more of the High Contracting Parties, they obligate themselves to stipulate, in a special Treaty, the rules under which the Tribunal shall be established, as well as its form of procedure, which shall take cognizance of the questions referred to in article 1 of the present Treaty.

ART. 5. This Treaty shall be binding on the States ratifying it, from the date on which five signatory governments have ratified the same, and shall be in force for five years. The ratification of this Treaty by the signatory States shall be transmitted to the Government of the United States of Mexico, which shall notify the other Governments of the ratifications it may receive.

In testimony whereof the Plenipotentiaries and Delegates also sign the present Treaty, and affix the seal of the Second International American Conference.

Made in the City of Mexico the thirtieth day of January nineteen hundred and two, in three copies, written in Spanish, English and

French, respectively, which shall be deposited with the Secretary of Foreign Relations of the Mexican United States, so that certified copies thereof be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic:

ANTONIO BERMEJO.

LORENZO ANADON.

For Bolivia:

FERNANDO E. GUACHALLA.

For Colombia:

RAFAEL REYES.

For Costa Rica:

J. B. CALVO.

For Chile:

AUGUSTO MATTE.

JOAQU. WALKER M.

EMILIO BELLO C.

For the Dominican Republic:

FED. HENRIQUEZ I CARVAJAL.

For Ecuador:

L. F. CARBO.

For El Salvador:

FRANCISCO A. REYES.

BALTASAR ESTUPINIAN.

For the United States of America:

W. I. BUCHANAN.

CHARLES M. PEPPER.

VOLNEY W. FOSTER.

For Guatemala:

FRANCISCO ORLA.

For Hayti:

J. N. LÉGER.

For Honduras:

J. LEONARD.

F. DÁVILA.

For Mexico:

G. RAIGOSA.

JOAQUIN D. CASASUS.

E. PARDO, JR.

JOSÉ LOPEZ PORTILLO Y ROJAS.

PABLO MACEDO.

F. L. DE LA BARRA.

ALFREDO CHAVERO.

M. SANCHEZ MARMOL.

ROSENDO PINEDA.

For Nicaragua:

F. DÁVILA.

For Paraguay:

CECILIO BAEZ.

For Peru:

MANUEL ALVÁREZ CALDERON.

ALBERTO ELMORE.

For Uruguay:

JUAN CUESTAS.

[NOTE: Ratified by United States of America, January 28, 1905; Guatemala, April 25, 1902; El Salvador, May 19, 1902; Peru, October 29, 1903; Honduras, July 6, 1904; and Mexico, May 1, 1905.]

*Resolution on Arbitration.*¹ Signed August 7, 1906.

The undersigned, Delegates of the Republics represented in the Third International American Conference, duly authorized by their Governments, have approved the following Resolution:

The Third International American Conference

Resolves:

To ratify adherence to the principle of arbitration; and to the end that so high a purpose may be rendered practicable, to recommend to the Nations represented at this Conference that instructions be given to their Delegates to the Second Conference to be held at The Hague, to endeavor to secure by the said Assembly, of world-wide character, the celebration of a General Arbitration Convention, so effective and definite that, meriting the approval of the civilized world, it shall be accepted and put in force by every nation.

Made and signed in the City of Rio de Janeiro, on the seventh day of the month of August nineteen hundred and six, in English, Spanish, Portuguese and French, and deposited in the Department of Foreign Affairs of the Government of the United States of Brazil, in order that certified copies thereof be made, and forwarded through diplomatic channels to each one of the Signatory States.

For Ecuador. — Emilio Arévalo, Olmedo Alfaro.

For Paraguay. — Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia. — Alberto Gutiérrez, Carlos V. Romero.

For Colombia. — Rafael Uribe Uribe, Guillermo Valencia.

For Honduras. — Fausto Dávila.

For Panamá. — José Domingo de Obaldía.

For Cuba. — Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

For the Dominican Republic. — Emilio C. Joubert.

For Peru. — Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

For El Salvador. — Dr. Francisco A. Reyes.

For Costa Rica. — Ascensión Esquivel.

For the United States of Mexico. — Francisco León de la Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

For Guatemala. — Antonio Batres Jáuregui.

¹ Report of the Delegates of the United States to the Third International Conference of the American States (Government Document), page 97.

For Uruguay. — Luís Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

For the Argentine Republic. — J. V. González, José A. Terry, Eduardo L. Bidau.

For Nicaragua. — Luis F. Corea.

For the United States of Brasil. — Joaquim Aurelio Nabuco de Araujo, Gastão de Cunha, Joaquim Francisco de Assis Brasil, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

For the United States of America. — William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

For Chile. — Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

CONSULAR SERVICE.

An Act To provide for the reorganization of the consular service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consular system of the United States be reorganized in the manner hereinafter provided in this Act.

SEC. 2. That the consuls-general and the consuls of the United States shall hereafter be classified and graded as hereinafter specified, with the salaries of each class herein affixed thereto.

CONSULS-GENERAL.

Class one, twenty thousand dollars. — London, Paris.

Class two, eight thousand dollars. — Berlin, Habana, Hongkong, Hamburg, Rio de Janeiro, Shanghai.

Class three, six thousand dollars. — Calcutta, Cape Town, Constantinople, Mexico City, Montreal, Ottawa, Vienna, Yokohama.

Class four, five thousand five hundred dollars. — Antwerp, Barcelona, Brussels, Canton, Frankfort, Marseilles, Melbourne, Panama, Saint Petersburg, Séoul, Tientsin.

Class five, four thousand five hundred dollars. — Auckland, Beirut, Buenos Ayres, Callao, Chefoo, Coburg, Dresden, Guayaquil, Halifax,

Hankau, Mukden, Munich, Niuchwang, Rome, Rotterdam, Saint Gall, Singapore.

Class six, three thousand five hundred dollars. — Adis Ababa, Bogota, Budapest, Guatemala, Lisbon, Monterey, San Salvador, Stockholm, Tangier.

Class seven, three thousand dollars. — Athens, Christiania, Copenhagen.

CONSULS.

Class one, eight thousand dollars. — Liverpool.

Class two, six thousand dollars. — Manchester.

Class three, five thousand dollars. — Bremen, Dawson, Belfast, Havre, Kobe, Lourenço Marquez, Lyon, Pretoria.

Class four, four thousand five hundred dollars. — Amoy, Amsterdam, Birmingham, Cienfuegos, Fuchau, Glasgow, Kingston (Jamaica), Nottingham, Santiago, Southampton, Veracruz, Valparaiso.

Class five, four thousand dollars. — Bahia, Bombay, Bordeaux, Colon, Dublin, Dundee, Harbin, Leipzig, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Reichenberg, Santos, Stuttgart, Toronto, Tsingtau, Vancouver, Victoria.

Class six, three thousand five hundred dollars. — Apia, Barmen, Barranquilla, Basel, Berne, Bradford, Chemnitz, Chungking, Cologne, Dalny, Durban, Edinburgh, Geneva, Genoa, Georgetown, Lucerne, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rimouski, San Juan del Norte, Sherbrooke, Smyrna, Three Rivers (Quebec), Vladivostok, Winnipeg, Zurich.

Class seven, three thousand dollars. — Aix la Chapelle, Annaberg, Barbados, Batavia, Burslem, Calais, Carlsbad, Colombo, Dunfermline, Dusseldorf, Florence, Freiburg, Ghent, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquitos, Jerusalem, Kehl, La Guaira, Leghorn, Liege, Mainz, Malaga, Managua, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Port au Prince, Sandakan, Seville, Saint John (New Brunswick), Saint Michaels, Saint Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Sydney (New South Wales), Tabriz, Tampico, Tamsui, Trieste, Trinidad.

Class eight, two thousand five hundred dollars. — Acapulco, Aden, Algiers, Alexandretta, Bamberg, Batum, Belize, Bergen, Breslau, Brunswick, Cardiff, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Collingwood, Cork, Crefeld, Curaçao, Eibenstock, Gothenburg, Hamilton (Bermuda), Hull, Jerez de la Frontera, La Rochelle, Leeds, Madrid,

Magdeburg, Malta, Maracaibo, Martinique, Matamoros, Mazatlan, Milan, Moscow, Nice, Nogales, Nuevo Laredo, Orillia, Plymouth, Port Hope, Port Limon, Prescott, Puerto Cortez, Rheims, Rosario, Roubaix, Saint Johns (Newfoundland), Saint Etienne, Sarnia, Sault Sainte Marie, Stettin, Tamatave, Tegucigalpa, Teneriffe, Trebizond, Valencia, Weimar, Windsor (Ontario), Yarmouth, Zanzibar, Zittau.

Class nine, two thousand dollars. — Aguascalientes, Antigua, Asuncion, Bagdad, Belleville, Belgrade, Bristol, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Castellamare di Stabia, Catania, Ceiba, Charlottetown, Coaticook, Cornwall, Durango, Ensenada, Fort Erie, Funchal, Gaspé, Gibraltar, Glauchau, Goree-Dakar, Grenoble, Guadelope, Hermosillo, Hobart, Iquique, Jalapa, Jamestown, Kingston (Ontario), La Paz, Limoges, Manzanillo, Maskat, Messina, Moncton, Niagara Falls, Patras, Port Louis, Port Rowan, Port Stanley, Progreso, Puerto Cabello, Puerto Plata, Riga, Rouen, Saigon, Saint Christopher, Saint Hyacinthe, Saint Johns (Quebec), Saint Pierre, Saint Stephen, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahiti, Turin, Turks Island, Tuxpam, Utila, Venice, Warsaw, Windsor (Nova Scotia), Woodstock.

SEC. 3. That the offices of vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls shall be filled by appointment, as heretofore, except that whenever, in his judgment, the good of the service requires it, consuls may be designated by the President without thereby changing their classification to act for a period not to exceed one year as vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls; and when so acting they shall not be deemed to have vacated their offices as consuls. Consular agents may be appointed, when necessary, as heretofore. The grade of commercial agent is abolished.

SEC. 4. That there shall be five inspectors of consulates, to be designated and commissioned as consuls-general at large, who shall receive an annual salary of five thousand dollars each, and shall be paid their actual and necessary traveling and subsistence expenses while traveling and inspecting under instructions from the Secretary of State. They shall be appointed by the President, with the advice and consent of the Senate, from the members of the consular force possessing the requisite qualifications of experience and ability. They shall make such inspections of consular offices as the Secretary of State shall direct, and shall report to him. Each consular office shall be inspected at least once in every two years. Whenever the President has reason to believe that the business of a consulate or a consulate-general is not being properly conducted and that it is necessary for the public interest, he may authorize

any consul-general at large to suspend the consul or consul-general, and administer the office in his stead for a period not exceeding ninety days. In such case the consul-general at large so authorized shall have power to suspend any vice or deputy consular officer or clerk in said office during the period aforesaid. The provisions of law relating to the official bonds of consuls-general, and the provisions of sections seventeen hundred and thirty-four, seventeen hundred and thirty-five, and seventeen hundred and thirty-six, Revised Statutes of the United States, shall apply to consuls-general at large.

SEC. 5. No person who is not an American citizen shall be appointed hereafter in any consulate-general or consulate to any clerical position the salary of which is one thousand dollars a year or more.

SEC. 6. Sections sixteen hundred and ninety-nine and seventeen hundred of the Revised Statutes of the United States are hereby amended to read as follows:

"SEC. 1699. No consul-general, consul, or consular agent receiving a salary of more than one thousand dollars a year shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his jurisdiction, directly or indirectly, either in his own name or in the name or through the agency of any other person; nor shall he practice as a lawyer for compensation or be interested in the fees or compensation of any lawyer; and he shall in his official bond stipulate as a condition thereof not to violate this prohibition.

"SEC. 1700. All consular officers whose respective salaries exceed one thousand dollars a year shall be subject to the prohibition against transacting business, practicing as a lawyer, or being interested in the fees or compensation of any lawyer contained in the preceding section. And the President may extend the prohibition to any consul-general, consul, or consular agent whose salary does not exceed one thousand dollars a year or who may be compensated by fees, and to any vice or deputy consular officer or consular agent, and may require such officer to give a bond not to violate the prohibition."

SEC. 7. That every consular officer of the United States is hereby required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall

charge in each instance the appropriate fee prescribed by the President under section seventeen hundred and forty-five, Revised Statutes.

SEC. 8. That all fees, official or unofficial, received by any officer in the consular service for services rendered in connection with the duties of his office or as a consular officer, including fees for notarial services, and fees for taking depositions, executing commissions or letters rogatory, settling estates, receiving or paying out moneys, caring for or disposing of property, shall be accounted for and paid into the Treasury of the United States; and the sole and only compensation of such officers shall be by salaries fixed by law; but this shall not apply to consular agents, who shall be paid by one half of the fees received in their offices, up to a maximum sum of one thousand dollars in any one year, the other half being accounted for and paid into the Treasury of the United States. And vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls, in addition to such compensation as they may be entitled to receive as consuls or clerks, may receive such portion of the salaries of the consul-general or consuls for whom they act as shall be provided by regulation.

SEC. 9. That fees for the consular certification of invoices shall be, and they hereby are, included with the fees for official services for which the President is authorized by section seventeen hundred and forty-five of the Revised Statutes to prescribe rates or tariffs; and sections twenty-eight hundred and fifty-one and seventeen hundred and twenty-one of the Revised Statutes are hereby repealed.

SEC. 10. That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and shall account quarterly to the Department of State for the use of such stamps and for such of them as shall remain in his hands.

Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

SEC. 11. That this Act shall take effect on the thirtieth day of June, nineteen hundred and six.

SEC. 12. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved, April 5, 1906.

[Public No. 83.]

EXECUTIVE ORDER.

With a view to further increasing the efficiency of the Consular Service by extending the method now employed for ascertaining the qualifications possessed by candidates for appointment in that service:

It is hereby ordered that the Executive Order of September 20, 1895, in regard to examinations for the Consular Service be and it is hereby amended and extended to include all consulates general, consulates, commercial agencies and consular agencies, the annual compensation of which is not less than \$1,000. Said order therefore will read as amended as follows:—

It being of great importance that the consular officers of the United States shall possess the proper qualifications for their respective positions to be ascertained either through a satisfactory record of previous actual service under the Department of State or through an appropriate examination:

It is hereby ordered that any vacancy in a consulate general, consulate, commercial or consular agency now or hereafter existing the salary of which is not less than \$1,000, or the compensation of which, if derived from official fees, exclusive of notarial and other unofficial receipts, does not fall below \$1,000, shall be filled (a) by a transfer or promotion from some other position under the Department of State of a character tending to qualify the incumbent for the position to be filled; or (b) by appointment of a person not under the Department of State but having previously served thereunder to its satisfaction in a capacity tending to qualify him for the position to be filled; or (c) by the appointment of a person who, having furnished satisfactory evidence of character, responsibility, and capacity, and being thereupon selected by the President for examination, is found upon such examination to be qualified for the position.

For the purposes of this order notarial and unofficial fees shall not be regarded, but the compensation of an office shall be ascertained, if the office is salaried, by reference to the last preceding appropriation act, and

if the office is not salaried, by reference to the returns of official fees for the last preceding fiscal year.

The examination hereinbefore provided for shall be by a Board of three persons designated by the Secretary of State who shall also prescribe the subjects to which such examinations shall relate and the general mode of conducting the same by the Board.

A vacancy in a consulate will be filled at discretion only when a suitable appointment can not be made in any of the modes indicated in the second paragraph of this order.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
November 10th, 1905.

REGULATIONS GOVERNING CONSULAR APPOINTMENTS AND PROMOTIONS.

WHEREAS, The Congress, by Section 1753 of the Revised Statutes of the United States has provided as follows:—

“The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.”

AND, WHEREAS, the Congress has classified and graded the consuls-general and consuls of the United States by the act entitled “An act to provide for the reorganization of the consular service of the United States,” approved April 5, 1906, and has thereby made it practicable to extend to that branch of the civil service the aforesaid provisions of the Revised Statutes and the principles embodied in the Civil Service Act of January 16, 1883.

Now, therefore, in the exercise of the powers conferred upon him by the Constitution and laws of the United States, the President makes the following regulations to govern the selection of consuls general and consuls in the civil service of the United States, subject always to the advice and consent of the Senate:—

1. Vacancies in the office of consul-general and in the office of consul

above class 8 shall be filled by promotion from the lower grades of the consular service, based upon ability and efficiency as shown in the service.

2. Vacancies in the office of consul of class 8 and of consul of class 9 shall be filled:

(a) By promotion on the basis of ability and efficiency as shown in the service, of consular clerks, and of vice consuls, deputy consuls, and consular agents who shall have been appointed to such offices upon examination.

(b) By new appointments of candidates who have passed a satisfactory examination for appointment as consul as hereafter provided.

3. Persons in the service of the Department of State with salaries of two thousand dollars or upwards shall be eligible for promotion, on the basis of ability and efficiency as shown in the service, to any grade of the consular service above class 8 of consuls.

4. The Secretary of State, or such officer of the Department of State as the President shall designate, the Chief of the Consular Bureau, and the Chief Examiner of the Civil Service Commission, or some person whom said Commission shall designate, shall constitute a Board of Examiners for admission to the consular service.

5. It shall be the duty of the Board of Examiners to formulate rules for and hold examinations of applicants for admission to the consular service.

6. The scope and method of the examinations shall be determined by the Board of Examiners, but among the subjects shall be included at least one modern language other than English; the natural, industrial and commercial resources and the commerce of the United States, especially with reference to the possibilities of increasing and extending the trade of the United States with foreign countries; political economy; elements of international, commercial and maritime law.

7. Examination papers shall be rated on a scale of 100, and no person rated at less than 80 shall be eligible for certification.

8. No one shall be examined who is under twenty-one or over fifty years of age, or who is not a citizen of the United States, or who is not of good character and habits and physically and mentally qualified for the proper performance of consular work, or who has not been specially designated by the President for appointment to the consular service subject to examination.

9. Whenever a vacancy shall occur in the eighth or ninth class of consuls which the President may deem it expedient to fill, the Secretary of State shall inform the Board of Examiners, who shall certify to him the

list of those persons eligible for appointment, accompanying the certificate with a detailed report showing the qualifications, as revealed by examination, of the persons so certified. If it be desired to fill a vacancy in a consulate in a country in which the United States exercises extra-territorial jurisdiction, the Secretary of State shall so inform the Board of Examiners, who shall include in the list of names certified by it only such persons as have passed the examination provided for in this order, and who also have passed an examination in the fundamental principles of the common law, the rules of evidence and the trial of civil and criminal cases. The list of names which the Board of Examiners shall certify shall be sent to the President for his information.

10. No promotion shall be made except for efficiency, as shown by the work that the officer has accomplished, the ability, promptness and diligence displayed by him in the performance of all his official duties, his conduct and his fitness for the consular service.

11. It shall be the duty of the Board of Examiners to formulate rules for and hold examinations of persons designated for appointment as consular clerk, and of such persons designated for appointment as vice consul, deputy consul and consular agent, as shall desire to become eligible for promotion. The scope and method of such examination shall be determined by the Board of Examiners, but it shall include the same subjects hereinbefore prescribed for the examination of consuls. Any vice consul, deputy consul or consular agent now in the service, upon passing such an examination shall become eligible for promotion, as if appointed upon such examination.

12. In designations for appointment subject to examination and in appointments after examination, due regard will be had to the rule, that as between candidates of equal merit, appointments should be so made as to secure proportional representation of all the States and Territories in the consular service; and neither in the designation for examination or certification or appointment will the political affiliations of the candidate be considered.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
June 27th, 1906.

Rules Governing the Granting and Issuing of Passports in the United States.

EXECUTIVE ORDER.

1. *By whom issued and refusal to issue.* — No one but the Secretary of State may grant and issue passports in the United States (Revised Statutes, Sections 4075, 4078,) and he is empowered to refuse them in his discretion.

Passports are not issued by American diplomatic and consular officers abroad, except in cases of emergency; and a citizen who is abroad and desires to procure a passport must apply therefor through the nearest diplomatic or consular officer to the Secretary of State.

Applications for passports by persons in Porto Rico or the Philippines should be made to the Chief Executive of those Islands. The evidence required of such applicants is the same as that required of applicants in the United States.

2. *Fee.* — By act of Congress approved March 23, 1888, a fee of one dollar is required to be collected for every citizen's passport. That amount in currency or postal money order should accompany each application made by a citizen of the United States. Orders should be made payable to the Disbursing Clerk of the Department of State. *Drafts or checks will not be accepted.*

3. *Applications.* — A person who is entitled to receive a passport, if within the United States, must make a written application, in the form of an affidavit, to the Secretary of State. The application must be made by the person to whom the passport is to be issued and signed by him, as it is not competent for one person to apply for another.

The affidavit must be attested by an officer authorized to administer oaths, and if he has an official seal it must be affixed. If he has no seal, his official character must be authenticated by certificate of the proper legal officer.

If the applicant signs by mark, two attesting witnesses to his signature are required. The applicant is required to state the date and place of his birth, his occupation, the place of his permanent residence, to what country or countries he intends to travel and within what length of time he will return to the United States with the purpose of residing and performing the duties of citizenship.

The applicant must take the oath of allegiance to the Government of the United States.

The application must be accompanied by a description of the person

applying, and should state the following particulars, viz: Age, ———; stature, ——— feet ——— inches (English measure); forehead, ———; eyes, ———; nose, ———; mouth, ———; chin, ———; hair, ———; complexion, ———; face, ———.

The application must be accompanied by a certificate from at least one credible witness that the applicant is the person he represents himself to be, and that the facts stated in the affidavit are true to the best of the witness's knowledge and belief.

4. *Native citizens.* — An application containing the information indicated by rule 3 will be sufficient evidence in the case of native citizens; but

A person of the Chinese race, alleging birth in the United States, must accompany his application with supporting affidavits from at least two credible witnesses, preferably not of the Chinese race, having personal knowledge of the applicant's birth in the United States. The application and supporting affidavits should be in duplicate and should be accompanied by three photographs of the applicant and should state at what port he intends to reenter the United States.

5. *A person born abroad whose father was a native citizen of the United States.* — In addition to the statements required by rule 3, his application must show that his father was born in the United States, resided therein, and was a citizen at the time of the applicant's birth. The Department may require that this affidavit be supported by that of one other citizen acquainted with the facts.

6. *Naturalized citizens.* — In addition to the statements required by rule 3, a naturalized citizen must transmit his certificate of naturalization, or a duly certified copy of the court record thereof, with his application. It will be returned to him after inspection. He must state in his affidavit when and from what port he emigrated to this country, what ship he sailed in, where he has lived since his arrival in the United States, when and before what court he was naturalized, and that he is the identical person described in the certificate of naturalization. The signature to the application should conform in orthography to the applicant's name as written in his certificate of naturalization, or an explanation of the difference should be submitted.

7. *Woman's application.* — If she is unmarried, in addition to the statements required by rule 3, she should state that she has never been married. If she is the wife or widow of a native citizen of the United States the fact should be made to appear in her application. If she is the wife or widow of a naturalized citizen, in addition to the statements

required by rule 3, she must transmit for inspection her husband's certificate of naturalization, must state that she is the wife (or widow) of the person described therein, and must set forth the facts of his emigration, naturalization, and residence, as required in the rule governing the application of a naturalized citizen.

(A married woman's citizenship follows that of her husband so far as her international status is concerned. It is essential, therefore, that a woman's marital relations be indicated in her application for a passport, and that in the case of a married woman her husband's citizenship be established.)

8. *The child of a naturalized citizen claiming citizenship through the naturalization of the parent.* — In addition to the statements required by rule 3, the applicant must state that he or she is the son or daughter, as the case may be, of the person described in the certificate of naturalization, which must be submitted for inspection, and must set forth the facts of emigration, naturalization, and residence, as required in the rule governing the application of a naturalized citizen.

9. *A resident of an insular possession of the United States who owes allegiance to the United States.* — In addition to the statements required by rule 3, he must state that he owes allegiance to the United States and that he does not acknowledge allegiance to any other government; and must submit affidavits from at least two credible witnesses having good means of knowledge in substantiation of his statements of birth, residence and loyalty.

10. *Expiration of passport.* — A passport expires two years from the date of its issuance. A new one will be issued upon a new application, and, if the applicant be a naturalized citizen, the old passport will be accepted in lieu of a certificate of naturalization, if the application upon which it was issued is found to contain sufficient information as to the naturalization of the applicant.

11. *Wife, minor children, and servants.* — When the applicant is accompanied by his wife, minor children, or servant who would be entitled to receive a passport, it will be sufficient to state the fact, giving the respective ages of the children and the allegiance of the servant, when one passport will suffice for all. For any other person in the party a separate passport will be required. A woman's passport may include her minor children and servant under the above-named conditions.

(The term servant does not include a governess, tutor, pupil, companion, or person holding like relations to the applicant for a passport.)

12. *Titles.* — Professional and other titles will not be inserted in passports.

13. *Blank forms of application.* — They will be furnished by the Department to persons who desire to apply for passports, but are not furnished, except as samples, to those who make a business of procuring passports.

14. *Address.* — Communications should be addressed to the Department of State, Bureau of Citizenship, and each communication should give the post-office address of the person to whom the answer is to be directed.

Section 4075 of the Revised Statutes of the United States, as amended by the act of Congress, approved June 14, 1902, providing that "the Secretary of State may grant and issue passports, and cause passports to be granted, issued and verified in foreign countries by such diplomatic or consular officers of the United States, and by such chief or other executive officer of the insular possessions of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States", the foregoing rules are hereby prescribed for the granting and issuing of Passports in the United States.

The Secretary of State is authorized to make regulations on the subject of issuing and granting passports additional to these rules and not inconsistent with them.

THEODORE ROOSEVELT.

THE WHITE HOUSE,

June 13, 1907.

LIST OF CONSULAR OFFICERS OF THE UNITED STATES CORRECTED TO JULY 23, 1907.

I certify that the accompanying list of consular officers of the United States is true and correct up to and including July 23, 1907.

CHARLES RAY DEAN,
*Chief, Bureau of Appointments,
Department of State.*

July, 1907.

CONSULS-GENERAL AT LARGE.

Name.	Where born.	Whence appointed.	Date of commission.	Salary.
Charles M. Dicknison.....	N. Y.....	N. Y.....	*May 14, 1906	\$5,000
Richard M. Bartleman.....	Mass.....	Mass.....	*May 14, 1906	5,000
Horace Lee Washington.....	D. C.....	D. C.....	*May 18, 1906	5,000
George H. Murphy.....	N. C.....	N. C.....	*May 23, 1906	5,000
Fleming D. Cheshire.....	N. Y.....	N. Y.....	*May 24, 1906	5,000

ABYSSINIA—AUSTRIA-HUNGARY.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
ABYSSINIA						
Adis Ababa.....	C. G.....				\$3,500	
ARGENTINE REPUBLIC.						
Buenos Aires.....	Alban G. Snyder..... C. G.	W. Va.	W. Va.	June 22, 1906	4,500	
Do.....	Otto Hollender..... V. & D. C. G.	N. Y.	N. Y.	Jan. 5, 1907		
Bahia Blanca.....	Walter T. Jones..... Agt.	Me.	Argen.	May 24, 1892		\$8.94
Rosario.....	Thomas B. Van Hornet..... C.	Ohio.	Ohio.	June 30, 1905	2,500	
Do.....	Latham Hall..... V. & D. C.	N. Y.	N. J.	April 2, 1906		
AUSTRIA-HUNGARY.						
Budapest, Hungary.....	Frank Dyer Chester..... C. G.	Mass.	Mass.	May 14, 1904	3,500	
Do.....	Frank E. Mallett..... V. & D. C. G.		Me.	Aug. 10, 1906		
Fiume.....		Agt.				1,014.50
Carlsbad, Austria.....	John S. Twells..... C.	Pa.	Pa.	June 22, 1906	3,000	
Do.....	Sigmund Freund (n)..... V. & D. C.	Austria	N. Y.	June 30, 1906		

* Commission to take effect July 1, 1906.

† Appointed after examination under Executive order of September 20, 1895.

AUSTRIA-HUNGARY-BRAZIL.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Prague, Austria.....	Joseph I. Brittain.....	C. Pa.....	Ohio.....	Mar. 30, 1907	\$3,500	
Do.....	Arnold Weissberger(n). V. & D. C.	Austria.	N. Y.....	Jan. 17, 1903		
Reichenberg, Austria.....	Charles B. Harris.....	C. Ind.....	Ind.....	Mar. 30, 1907	4,000	
Do.....	Arthur S. Cheney... V. & D. C.	Ill.....	Conn.....	Nov. 27, 1906		
Haide.....	Frank Siller (n).....	Agt. Russia.	Wis.....	July 8, 1898		\$1,944.50
Trieste, Austria.....	George M. Hotschick (n) *.....	C. Wis.....	Wis.....	Feb. 2, 1906	3,000	
Do.....	Orestes De Martini... V. & D. C.	N. Y.....	N. Y.....	May 23, 1907		
Do.....	Vincent Bures.....	D. C. Austria.	Austria.	May 23, 1907		
Vienna, Austria.....	William A. Rublee.....	C. G. Wis.....	Wis.....	Mar. 26, 1903	6,000	
Do.....	Rob. W. Heingartner. V. & D. C. G.	Ohio.....	Ohio.....	Feb. 27, 1907		
Brann.....	Alfred W. Donegan.....	Agt. Ala.....	Ala.....	May 10, 1905		2,896.50
BELGIUM.						
Antwerp.....	Henry W. Diederich.....	C. G. Pa.....	D. C.....	June 22, 1906	5,500	
Do.....	Harry Tuck Sherman. V. & D. C. G.	Me.....	Me.....	May 10, 1907		
Do.....	Stanislas H. Haine... D. C. G.	Belgium.	Belgium.	May 10, 1907		
Brussels.....	Ethelbert Watts.....	C. G. Pa.....	Pa.....	April 25, 1907	5,500	
Do.....	Gregory Phelan... V. & D. C. G.	Cal.....	Cal.....	June 21, 1905		
Do.....	Paul Magny.....	D. C. G.	Belgium.	Aug. 10, 1906		
Ghent.....	William P. Atwell.....	C. Ohio.....	D. C.....	June 22, 1906	3,000	
Do.....	Julius A. Van Heed... V. & D. C.	Ind.....	Iowa.....	Feb. 1, 1900		
Liege.....	Henry Albert Johnson.....	C. D. C.....	D. C.....	Mar. 30, 1907	3,000	
Do.....	John Gross.....	V. & D. C.	Lux.....	Sept. 22, 1893		
BRAZIL.						
Bahia.....	Albert R. Morawetz.....	C. Md.....	Aris.....	Feb. 13, 1906	4,000	
Do.....	Samuel J. Flake.....	V. & D. C.	N. C.....	April 2, 1907		
Para.....	George H. Pickrell.....	C. Ohio.....	Ohio.....	May 29, 1906	4,000	
Do.....	Julius F. Tiedeman... V. & D. C.	Iowa.....	Florida.	Aug. 19, 1902		
Do.....	William R. Cox.....	D. C. England.	Brasil...	May 5, 1906		
Manaos.....	John H. Hamilton.....	Agt. Cal.....	N. Y.....	Oct. 2, 1905		\$875.50
Maranhão.....	Joaquim B. do Prado.....	Agt. Brasil.	Brasil...	Jan. 14, 1903		97.00
Pernambuco.....	George A. Chamberlain§.....	C. Brasil.	N. J.....	June 22, 1906	4,000	
Do.....	Enrique Bachillerés... V. & D. C.	Argen.	Brasil...	May 24, 1902		
Ceara.....	Antonio E. da Prota.....	Agt. Brasil.	Brasil...	June 17, 1897		151.50
Maccio.....	Walter I. Neafie.....	Agt. N. Y.....	N. J.....	Nov. 14, 1905		\$103.50
Natal.....	Henry J. Green.....	Agt. N. Y.....	N. Y.....	April 4, 1904		\$22.50
Rio de Janeiro.....	George E. Anderson.....	C. G. Ill.....	Ill.....	Feb. 13, 1906	8,000	
Do.....	Lilbourn C. Irvine... V. C. G.	Md.....	Md.....	Aug. 13, 1906		
Do.....	Joseph J. Slechts.....	D. C. G.	Wis.....	S. Dak.....	Aug. 13, 1906	
Victoria.....	Jean Zinsen.....	Agt. Belgium.	Brasil...	Mar. 29, 1890		312.50
Santos.....	.....	C. Ill.....	Ill.....	Mar. 11, 1901	4,000	
Do.....	William H. Lawrence... V. C.	Ill.....	Ill.....	Mar. 11, 1901		
Do.....	James C. Mell.....	D. C. Ga.....	Ga.....	Nov. 5, 1906		
Rio Grande do Sul.....	Jorge Vereker.....	Agt. Brasil.	Brasil...	Aug. 28, 1897		148.00
São Paulo.....	Albert J. Byington.....	Agt. N. Y.....	Kans.....	April 10, 1907		

* Appointed after examination under Executive order of November 10, 1905.

† Incomplete returns.

‡ Born of American parents residing abroad.

LIST OF CONSULAR OFFICERS.

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CHILE-CHINA.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
CHILE.						
Iquique.	..... C.				\$2,000	
Do.	Edward E. Muecke. V. C. Cal.	Cal.	Oreg.	Oct. 8, 1900		
Antofagasta.	Samuel C. Greene. Agt. Chile	Chile	Chile	June 4, 1907		\$773.39
Arica.	Tomas Bradley. Agt. England	England	Chile	June 30, 1906		563.00
Valparaiso.	Alfred A. Winslow. C. Ind.	Ind.	Ind.	June 22, 1906	4,500	
Do.	Stuart K. Lupton. V. & D. C. N. Y.	N. Y.	Tenn.	Sept. 21, 1906		
Caldera.	Alexander M. Cross. Agt. England	England	Chile	July 8, 1907		*126.00
Coquimbo.	Andrew Kerr. Agt. Scotland	Scotland	Chile	Sept. 26, 1898		*327.50
Coronel.	..... Agt.					*572.38
Punta Arenas.	Moritz Braun. Agt. Russia	Russia	Chile	Jan. 6, 1896		*93.77
Talcahuano.	Joseph O. Smith. Agt. R. I.	R. I.	Chile	Sept. 27, 1895		*167.50
Valdivia.	Robert N. Williams. Agt. Mich.	Mich.	Cal.	Nov. 16, 1904		*47.50
CHINA.						
Amoy.	Harry L. Paddock†. C. Cal.	Cal.	Cal.	Feb. 28, 1906	4,500	
Do.	Rea Hanna. V. & D. C. Ill.	Ill.	Cal.	May 19, 1906		
Do.	Li Ung Bing. Int. China	China	China	April 29, 1898	1,000	
Canton.	Leo Allen Bergholz. C. G. Vt.	N. Y.	N. Y.	May 25, 1906	5,500	
Do.	Hubert G. Baugh(n), V.&D.C.G.	India	Cal.	Oct. 8, 1906		
Do.	Hubert G. Baugh (n). Stud. Int.	India	Cal.	Dec. 22, 1904	1,000	
Do.	Tsang Chue Sun. Int. China	China	China	Dec. 20, 1904	1,000	
Chefoo.	John Fowler. C. G. N. Y.	N. Y.	Mass.	Feb. 2, 1904	4,500	
Do.	Henry A. C. Emery†, V.&D.C.G.	China	U. S.	Oct. 19, 1904		
Do.	Risher W. Thornberry. Mar. Ind.	Ohio	Ohio	July 1, 1907	1,000	
Do.	Henry A. C. Emery†. Int. China	China	U. S.	Oct. 1, 1896	1,500	
Tsinanfu.	..... Agt.					
Chungking.	Mason Mitchell. C. N. Y.	N. Y.	N. Y.	Sept. 8, 1905	3,500	
Foochow.	Samuel L. Gracey. C. Pa.	Pa.	Mass.	April 5, 1897	4,500	
Do.	Edward C. Baker†. V. & D. C. China	China	Cal.	May 5, 1906		
Do.	Thomas Ling. Int. China	China	China	Sept. 16, 1898	1,000	
Hankow.	William Martin (n). C. G. England	N. Y.	N. Y.	Feb. 3, 1905	4,500	
Do.	Willard B. Hull. V. & D. C. G. Iowa	Iowa	Iowa	Sept. 18, 1905		
Do.	Willard B. Hull. Int. Iowa	Iowa	Iowa	Mar. 27, 1907	1,500	
Harbin.	Fred D. Fisher. C. Oreg.	Oreg.	Oreg.	June 22, 1906	4,000	
Mukden.	Willard D. Straight. C. G. N. Y.	N. Y.	N. Y.	June 22, 1906	4,500	
Do.	Charles J. Arnell. V. C. G.		Wash.	Sept. 14, 1906		
Do.	George Marvin. D. C. G.		Mass.	May 29, 1907		
Do.	Charles J. Arnell. Int.		Wash.	Mar. 20, 1907	1,500	
Nanking.	James C. McNally (n). C. England	Pa.	Pa.	Mar. 30, 1907	4,000	
Do.	..... V. & D. C.					
Do.	Kao Luen King. Int. China	China	China	Dec. 22, 1906	1,000	
Newchwang.	Thomas E. Heenan. C. G. Pa.	Pa.	Minn.	Mar. 30, 1907	4,500	
Do.	Albert W. Pontius. V. & D. C. G. Minn.	Minn.	Minn.	Dec. 29, 1906		
Do.	Albert W. Pontius. Int. Minn.	Minn.	Minn.	May 1, 1907	1,500	
Shanghai.	Charles Denby§. C. G. Ind.	Ind.	Ind.	April 15, 1907	8,000	
Do.	W. Porter Boyd. V. & D. C. G. Mo.	Mo.	Mo.	Feb. 10, 1906		
Do.	W. Roderick Dorsey. D. C. G. Md.	Md.	Md.	Jan. 14, 1907		

* Incomplete returns.

† Appointed after examination under Executive order of November 10, 1905.

‡ Born of American parents residing abroad.

§ Appointed under Executive order of June 27, 1906.

CHINA-CUBA.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Do.	Clarence E. Gauss. D. C. G.	D. C.	Conn.	June 7, 1907		
Do.	Frederick D. Cloud. Stud. Int.	Ind.	Iowa.	Aug. 7, 1902	\$1,000	
Do.	George H. Butler. Stud. Int.	Me.	N. Y.	April 10, 1905	1,000	
Do.	Stephen P. Barchet (n). Int.	Ger.	Md.	Dec. 2, 1898	1,600	
Tientsin.	James W. Ragsdale. C. G.	Ind.	Cal.	Feb. 2, 1903	5,500	
Do.	Alden Ames. V. & D. C. G.	Cal.	Cal.	May 14, 1907		
Do.	Charles L. L. Williams, Stud. Int.	Ohio.	Ohio.	Mar. 17, 1903	1,000	
Do.	. . . . . Int.				1,000	
COLOMBIA.						
Barranquilla.	Pierre Paul Demers (n). C.	Canada	N. H.	Nov. 25, 1905	3,500	
Do.	Charles P. Yeatman. V. & D. C.	Ohio.	Tenn.	Nov. 27, 1906		
Santa Marta.	William A. Trout. Agt.	Ill.	Ind.	Aug. 10, 1900		*\$836.00
Bogota.	Jay White. C. G.	Mich.	Mich.	June 22, 1906	3,500	
Do.	. . . . . V. C. G.					
Bucaramanga.	Gustave Volkman. Agt.	Ger.	Colom.	Aug. 22, 1895		17.50
Call.	Henry J. Eder†. Agt.	Colom.	N. Y.	Oct. 7, 1902		26.00
Cucuta.	Philip Tillinghast, jr. Agt.		Wash.	Jan. 11, 1897		2.00
Honda.	John Owen. Agt.	Wales.	Colom.	July 28, 1903		7.50
Cartagena.	Isaac A. Manning†. C.	Ind.	Oreg.	Mar. 30, 1907	2,000	
Do.	William B. MacMaster†. V. C.	Colom.	N. Y.	July 16, 1904		
Quibdo.	Henry G. Granger. Agt.	Pa.	Pa.	Feb. 11, 1899		
COSTA RICA.						
Port Limon.	Chester Donaldson. C.	N. Y.	N. Y.	Nov. 25, 1905	2,500	
Do.	Henry O. Easton. V. & D. C.	Pa.	Pa.	Sept. 30, 1905		
San José.	John C. Caldwell. C.	Vt.	Kans.	July 2, 1897	3,000	
Do.	Charles S. Caldwell. V. C.	Me.	Kans.	Oct. 20, 1899		
Punta Arenas.	Leon A. Marquez. Agt.	Trinidad	C. R.	April 7, 1904		565.00
CUBA.						
Cienfuegos.	Max J. Baehr (n). C.	Ger.	Nebr.	June 6, 1902	4,500	
Do.	Buenaventura Carbo. V. & D. C.	Cuba.	N. Y.	April 2, 1907		
Caibarien.	P. B. Anderson (n). Agt.	Sweden	Pa.	June 9, 1903		625.50
Nuevitas.	John F. Hanson. Agt.	N. Y.	N. Y.	Dec. 22, 1904		704.50
Sagua la Grande.	John F. Jova (n). Agt.	Cuba.	N. Y.	May 9, 1903		741.50
Habana.	James Linn Rodgers. C. G.	Ohio.	Ohio.	April 15, 1907	8,000	
Do.	Joseph A. Springer, V. & D. C. G.	Me.	Me.	June 23, 1902		
Cardenas.	. . . . . Agt.					1,436.61
Matanzas.	Alfred Heydrich (n). Agt.	Cuba.	N. Y.	July 22, 1905		1,450.50
Santiago de Cuba.	Rose E. Holaday. C.	Ohio.	Ohio.	June 6, 1902	4,500	
Do.	Henry M. Wolcott. V. & D. C.	Vt.	N. Y.	June 9, 1906		
Antilla.	George Bayliss (n). Agt.	England	Cal.	Jan. 29, 1907		1,012.00
Baracoa.	Arthur Field Lindley. Agt.	N. Y.	N. Y.	Dec. 3, 1904		774.50
Manzanillo.	Francis B. Bertot (n). Agt.	Cuba.	N. Y.	Mar. 16, 1905		663.00

* Incomplete returns.

† Born of American parents residing abroad.

‡ Appointed after examination under Executive order of June 27, 1906.

DENMARK AND DOMINIONS—FRANCE AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
DENMARK AND DOMINIONS.						
Copenhagen.....	Frank R. Mowrer..... C. G.	Ohio.	Ohio.....	June 24, 1907	\$3,000	.....
Do.....	Victor Juhler..... V. & D. C. G.	.....	Ohio.....	June 30, 1906	.....	.....
Do.....	Axel Permin..... D. C. G.	.....	Den.....	Feb. 14, 1907	.....	.....
St. Thomas, W. I.....	Christopher H. Payne*..... C.	Va.....	W. Va.....	May 1, 1903	3,000	.....
Do.....	Anders E. Schröder..... V. C.	Den.....	W. I.....	Sept. 30, 1902	.....	.....
Christiansted, St. Croix Island.	Andrew J. Blackwood..... Agt.	Me.....	W. I.....	Jan. 31, 1893	.....	†\$60.50
Fredericksted, St. Croix Island.	Robert L. Merwin..... Agt.	N. Y.....	Conn.....	April 12, 1901	.....	447.00
St. Eustatius.....	J. G. C. Every..... Agt.	.....	St. Eus.....	Sept. 24, 1891	.....	61.96
DOMINICAN REPUBLIC.						
Puerto Plata.....	William H. Gale. †..... C.	N. Y.....	Va.....	July 16, 1906	2,000	.....
Do.....	Arthur W. Lithgow..... V. C.	Mass.....	Mass.....	April 8, 1899	.....	.....
Monte Christi.....	Isaac T. Petit..... Agt.	St. Tho.	D. R.....	May 27, 1895	.....	170.00
Samana.....	Frederico Lample..... Agt.	Cuba.....	D. R.....	Oct. 26, 1904	.....	*245.50
Santo Domingo.....	Fenton R. McCreery..... ||C. G.	Mich.....	Mich.....	Jan. 10, 1907	10,000	.....
Do.....	Juan A. Read§..... V. C. G.	D. R.....	U. S.....	June 12, 1903	.....	.....
Azua.....	John Hardy..... Agt.	U. S.....	Mass.....	Aug. 11, 1885	.....	543.00
Macoris.....	Edward C. Reed..... Agt.	S. C.....	D. R.....	Dec. 27, 1894	.....	921.00
Sanchez.....	..... Agt.	.....	.....	.....	.....	645.20
ECUADOR.						
Guayaquil.....	Herman R. Dietrich..... C. G.	Mo.....	Mo.....	April 2, 1903	4,500	.....
Do.....	Robert B. Jones (n)..... V. C. G.	Canada.	N. J.....	June 2, 1902	.....	.....
Bahia de Caraquez.....	Alberto Santos..... Agt.	Ecuador	Ecuador	Sept. 10, 1900	.....	440.00
Esmeraldas.....	René Dumarest (n)..... Agt.	France.	N. Y.....	Mar. 27, 1905	.....	203.00
Manta.....	Paul Gonzenbach (n)..... Agt.	Switz.....	N. Y.....	Mar. 5, 1902	.....	240.50
FRANCE AND DOMINIONS.						
Algiers, Algeria.....	James Johnston (n)..... C.	England	N. J.....	Feb. 2, 1905	2,500	.....
Do.....	Louis L. Legembre..... V. & D. C.	Algeria..	Algeria..	May 31, 1899	.....	.....
Do.....	Thomas M. MacGeagh..... D. C.	Ireland	Algeria..	Oct. 8, 1904	.....	.....
Bone.....	George S. Burgess..... Agt.	Scotland	Algeria..	April 5, 1907	.....	25.00
Oran.....	Albert H. Elford..... Agt.	.....	Algeria..	Nov. 7, 1906	.....	333.00
Tunis, Tunis.....	Auguste J. Proux..... Agt.	France..	Tunis.....	Dec. 6, 1906	.....	36.00

* Appointed after examination under Executive order of September 20, 1895.

† Incomplete returns.

‡ Appointed after examination under Executive order of November 10, 1905.

|| The Consul-General is also Minister Resident.

§ Born of American parents residing abroad.

FRANCE AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Bordeaux.....	Dominic I. Murphy..... C.	Pa.....	D. C.....	May 23, 1905	\$4,000	.....
Do.....	John Douglas Wise. V. & D. C.	Pa.....	Va.....	April 5, 1907	.....	.....
Biarritz.....	Frederic E. Gilbert..... Agt.	N. Y.....	N. Y.....	May 1, 1905	.....	\$15.00
Calais.....	James B. Milner*..... C.	Ind.....	Ind.....	Mar. 1, 1898	3,000	.....
Do.....	Henry L. A. Lunnings. V. & D. C.	France.....	France.....	July 30, 1903	.....	.....
Bonlogne-sur-mer.....	William Whitman..... Agt.	England.....	France.....	Oct. 21, 1903	.....	390.50
Gorée-Dakar, Senegal.....	..... C.	.....	.....	.....	2,000	.....
Grenoble.....	Charles P. H. Nason*..... C.	Mass.....	Pa.....	July 5, 1901	2,000	.....
Do.....	Thomas W. Murton. V. & D. C.	England.....	France.....	Jan. 24, 1902	.....	.....
Guadeloupe, W. I.....	..... C.	.....	.....	.....	2,000	.....
Do.....	Joseph O. Florandini. V. & D. C.	St. Bart.....	Guad.....	Oct. 15, 1901	.....	.....
Havre.....	Alphonse Gaulin..... C.	R. I.....	R. I.....	Mar. 8, 1905	5,000	.....
Do.....	John Preston Beecher, V. & D. C.	N. Y.....	N. Y.....	Sept. 22, 1899	.....	.....
Cherbourg.....	Octave Canuet..... Agt.	France.....	France.....	Mar. 16, 1907	.....	387.50
Honfleur.....	John N. Bourke..... Agt.	England.....	France.....	June 6, 1906	.....	405.50
St. Malo.....	Raymond Moulton..... Agt.	N. Y.....	N. Y.....	July 14, 1880	.....	67.50
La Rochelle.....	George H. Jackson..... C.	Mass.....	Conn.....	†May 25, 1898	2,500	.....
Do.....	Oscar Dahl..... V. & D. C.	Norway.....	France.....	April 18, 1902	.....	.....
Cognac.....	Elisee Jouard (n)..... Agt.	France.....	N. Y.....	Feb. 11, 1899	.....	1,998.50
Limoges.....	Eugene L. Bellisle† (n)..... C.	Canada.....	Mass.....	April 2, 1906	2,000	.....
Do.....	Charles Roy Nasmith..... V. C.	N. Y.....	N. Y.....	April 22, 1907	.....	.....
Lyons.....	John C. Covert*..... C.	N. Y.....	Ohio.....	July 17, 1897	5,000	.....
Do.....	Thomas Nicoll Browne, V. & D. C.	Conn.....	N. Y.....	Sept. 6, 1893	.....	.....
Dijon.....	Nicholas Chapuis..... Agt.	France.....	N. Y.....	July 10, 1906	.....	1,570.00
Marseilles.....	Robert P. Skinner..... C. G.	Ohio.....	Ohio.....	April 9, 1901	5,500	.....
Do.....	Paul H. Cram..... V. C. G.	Me.....	Me.....	April 7, 1905	.....	.....
Do.....	Allan Macfarlane..... D. C. G.	England.....	France.....	Feb. 6, 1903	.....	.....
Bastia, Corsica.....	Simon Damiani (n)..... Agt.	Corsica.....	U. S.....	Dec. 30, 1886	.....	47.50
Cette.....	Carl D. Hagelin..... Agt.	Sweden.....	France.....	Dec. 20, 1901	.....	1,281.50
Toulon.....	Benjamin A. Jouve..... Agt.	France.....	France.....	Nov. 6, 1899	.....	422.50
Martinique, W. I.....	Chester W. Martin..... C.	Mich.....	Mich.....	June 22, 1906	2,500	.....
Do.....	Jacques D. Schnegg. V. & D. C.	France.....	Mart.....	June 12, 1903	.....	.....
Nantes.....	Louis Goldschmidt (n)..... C.	Ger.....	N. H.....	Oct. 13, 1904	3,000	.....
Do.....	Hiram D. Bennett..... V. C.	N. Y.....	France.....	Dec. 23, 1885	.....	.....
Angers.....	Leon Ponsolle..... Agt.	France.....	France.....	Aug. 2, 1904	.....	592.50
Brest.....	A. Pitel..... Agt.	France.....	France.....	Jan. 10, 1884	.....	\$587.50
Nice.....	William Dulany Hunter..... C.	D. C.....	Minn.....	Mar. 30, 1907	2,500	.....
Do.....	Attilio Piatti..... V. & D. C.	N. Y.....	N. Y.....	Feb. 20, 1906	.....	.....
Cannes.....	Jean Baptiste Cognet..... Agt.	France.....	France.....	Mar. 12, 1901	.....	1,365.50
Mentone.....	Achille Isnard..... Agt.	France.....	France.....	Nov. 3, 1898	.....	54.50
Paris.....	Frank H. Mason..... C. G.	Ohio.....	Ohio.....	Mar. 8, 1905	12,000	.....
Do.....	Dean B. Mason..... V. & D. C. G.	Ohio.....	Ohio.....	July 7, 1906	.....	.....
Do.....	Hanson C. Cox..... D. C. G.	Md.....	N. Y.....	July 18, 1904	.....	.....
Do.....	Milton B. Kirk..... D. C. G.	Ill.....	Ill.....	May 28, 1907	.....	.....
Do.....	Dean B. Mason..... C. C.	Ohio.....	Ohio.....	June 8, 1899	1,200	.....
Do.....	Milton B. Kirk..... C. C.	Ill.....	Ill.....	Mar. 30, 1907	1,000	.....
Rheims.....	J. Martin Miller..... C.	Va.....	N. J.....	Nov. 6, 1905	2,500	.....
Do.....	August Douce..... V. & D. C.	France.....	France.....	Dec. 15, 1903	.....	.....

* Appointed after examination under Executive order of September 20, 1895.

† Commission to take effect July 1, 1898.

‡ Appointed after examination under Executive order of November 10, 1905.

§ Incomplete returns.

FRANCE AND DOMINIONS—GERMAN EMPIRE.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Roubaix.....	Chapman Coleman.....	C. Ky.....	Ky.....	June 22, 1906	\$2,500	.....
Do.....	Gaston Thiery.....	V. C. Belgium	France	Aug. 11, 1899	.....	.....
Do.....	Alfred C. Harrison.....	D. C. England	France	Aug. 11, 1899	.....	.....
Caudry.....	Hans Dietiker.....	Agt. Switz.	France	June 26, 1891	.....	\$315.00
Dunkirk.....	Benjamin Morel.....	Agt. France	France	July 25, 1883	.....	228.50
Lille.....	Christopher J. King.....	Agt. R. I.....	R. I.....	Mar. 15, 1902	.....	1,470.00
Rouen.....	Oscar Malmros (n).....	C. Ger.....	Minn.....	Mar. 8, 1905	2,000	.....
Do.....	E. M. J. Dellepiane.....	V. C. Cal.....	Cal.....	April 14, 1892	.....	.....
Amiens.....	Charles Tassencourt.....	Agt. France	France	Jan. 8, 1904	.....	102.00
Dieppe.....	Matthew H. Morgan.....	Agt. N. Y.....	N. Y.....	April 26, 1907	.....	208.00
Saigon, Cochín China.....	.....	C.....	.....	.....	2,000	.....
Do.....	Louis René Gage.....	V. C. France	C. China	June 30, 1906	.....	.....
St. Etienne.....	William H. Hunt.....	C. Ten	N. Y.....	Nov. 1, 1906	2,500	.....
Do.....	Hastings Burroughs.....	V. & D. C. Ireland	France	Sept. 29, 1899	.....	.....
St. Pierre, St. Pierre Island.....	.....	C.....	.....	.....	2,000	.....
Do.....	Louis Jourdan.....	V. C. St. Pierre	St. Pierre	Sept. 26, 1906	.....	.....
Tahiti, Society Islands.....	Julius D. Dreher*.....	C. S. C.....	S. C.....	Aug. 2, 1906	2,000	.....
Do.....	J. Lamb Doty.....	V. & D. C. N. Y.	N. Y.....	Sept. 14, 1904	.....	.....
Tamatave, Madagascar.....	James G. Carter.....	C. Ga.....	Ga.....	Nov. 1, 1906	2,500	.....
Do.....	Oscar d'E. de Charmoy.....	V. C. Mauri.....	Mad.....	July 13, 1905	.....	.....
GERMAN EMPIRE.						
Aix la Chapelle, Prussia.....	Pendleton King.....	C. N. C.....	N. C.....	Dec. 12, 1905	3,000	.....
Do.....	William J. Reuters.....	V. & D. C. Ger.....	Ger.....	Sept. 9, 1901	.....	.....
Annaberg, Saxony.....	George N. Ifft.....	C. Pa.....	Idaho.....	June 22, 1906	3,000	.....
Do.....	Franz M. Jaeger.....	V. & D. C. Ger.....	Ger.....	July 21, 1898	.....	.....
Apia, Samoa.....	George Helmrod (n).....	C. Ger.....	Nebr.....	June 22, 1906	3,500	.....
Do.....	C. E. Parkhouse.....	V. C.....	Samoa.....	June 30, 1906	.....	.....
Bamberg, Bavaria.....	William Bardel (n).....	C. Ger.....	N. Y.....	Dec. 16, 1902	2,500	.....
Do.....	Edmund Bing.....	V. & D. C. Ger.....	Ger.....	Mar. 9, 1906	.....	.....
Barmen, Prussia.....	George Eugene Eager*.....	C. Mass.....	Ill.....	Mar. 29, 1906	3,500	.....
Do.....	William W. Brunswick.....	V. & D. C. N. Y.	Kans.....	April 24, 1907	.....	.....
Berlin, Prussia.....	Alexander M. Thackara.....	C. G. Pa.....	Pa.....	Mar. 13, 1905	8,000	.....
Do.....	Frederic W. Cauldwell, V. & D. C. G.	N. Y.....	D. C.....	Jan. 28, 1907	.....	.....
Do.....	Frederick von Versen (n), D.C.G.	Ger.....	Md.....	Dec. 5, 1894	.....	.....
Do.....	John W. Dye.....	D. C. G. Minn.....	Minn.....	Dec. 18, 1906	.....	.....
Do.....	Frederic W. Cauldwell.....	C. C. N. Y.	D. C.....	Mar. 30, 1903	1,000	.....
Do.....	John W. Dye.....	C. C. Minn.....	Minn.....	July 21, 1906	1,000	.....
Sorau, Prussia.....	William B. Murphy.....	Agt. N. C.....	N. C.....	Aug. 2, 1898	.....	2,203.50
Bremen.....	William T. Fee.....	C. Ohio.....	Ohio.....	June 22, 1906	5,000	.....
Do.....	Fredk. Hoyeremann (n), V. & D. C.	Ger.....	Ill.....	Aug. 25, 1904	.....	.....
Brake, Oldenburg.....	Wilhelm Clemens.....	Agt. Ger.....	Ger.....	Nov. 13, 1885	.....	738.00
Bremerhaven, Bremen.....	John H. Schnabel.....	Agt. Ger.....	Ger.....	June 6, 1898	.....	1,920.50
Breslau, Prussia.....	Herman L. Spahr*.....	C. Ga.....	S. C.....	June 30, 1906	2,500	.....
Do.....	Richard Wackerow.....	V. C. Ger.....	Ger.....	Mar. 27, 1902	.....	.....
Brunswick, Brunswick.....	Talbot J. Albert†.....	C. Md.....	Md.....	Oct. 12, 1897	2,500	.....
Do.....	Julius Seckel.....	V. & D. C. Ger.....	Ger.....	Sept. 8, 1893	.....	.....

* Appointed after examination under Executive order of November 10, 1905.

† Appointed after examination under Executive order of September 30, 1895.

GERMAN EMPIRE.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Chemnitz, Saxony.....	Thomas H. Norton.....	C. N. Y....	Ohio....	July 25, 1906	\$3,500	.....
Do.....	Frederick J. Dietzman, V. & D. C.	Mass....	Mass....	Nov. 28, 1900	.....	.....
Coburg, Saxe-Coburg-Gotha.....	Frank Dillingham.....	C. G. Vt....	Cal....	Jan. 4, 1906	4,500	.....
Do.....	Matthew C. Dillingham, V. & D. C. G.	.....	Cal....	Sept. 12, 1906	.....	.....
Sonneberg, Saxe-Meiningen.....	Ernst C. Meyer.....	Agt. Wis....	Wis....	Nov. 6, 1905	.....	\$3,092.00
Cologne, Prussia.....	Hiram J. Dunlap.....	C. Ill....	Ill....	Mar. 17, 1905	3,500	.....
Do.....	Charles Lesimple.....	V. & D. C. Ger....	Ger....	April 29, 1901	.....	.....
Crefeld, Prussia.....	Joseph E. Haven.....	C. Ill....	Ill....	Mar. 30, 1907	2,500	.....
Do.....	W. Bruce Wallace.....	V. & D. C. Iowa....	Iowa....	Dec. 5, 1903	.....	.....
Dresden, Saxony.....	T. St. John Gaffney (n).....	C. G. Ireland	N. Y....	Mar. 14, 1905	4,500	.....
Do.....	Alfred C. Johnson.....	V. C. G. Pa....	Pa....	Oct. 7, 1898	.....	.....
Do.....	Ulysses J. Bywater*.....	D. C. G. England	Mass....	Oct. 7, 1906	.....	.....
Düsseldorf, Prussia.....	Peter Lieber (n).....	C. Ger....	Ind....	Nov. 29, 1899	3,000	.....
Do.....	.....	V. & D. C. ....	.....	.....	.....	.....
Elbenstock, Saxony.....	William C. Teichmann†.....	C. Mo....	Mo....	June 28, 1906	2,500	.....
Do.....	Emil Schmidt.....	V. & D. C. Ger....	Ger....	June 30, 1906	.....	.....
Frankfort-on-Main, Prussia.....	Richard Guenther (n).....	C. G. Ger....	Wis....	Nov. 11, 1898	5,500	.....
Do.....	Charles A. Risdorf, V. & D. C. G.	Ohio....	N. Y....	Sept. 13, 1905	.....	.....
Do.....	Simon W. Hanauer (n).....	D. C. G. Ger....	Pa....	Dec. 1, 1900	.....	.....
Cassel, Prussia.....	Gustav C. Kothe (n).....	Agt. Ger....	Kans....	Mar. 15, 1894	.....	1,015.50
Langen Schwalbach, Prussia.....	.....	Agt. ....	.....	.....	.....	.....
Wiesbaden, Prussia.....	John B. Brewer (n).....	Agt. Ger....	N. Y....	Aug. 26, 1903	.....	2,105.00
Freiburg, Baden.....	E. Theophilus Liefeld†.....	C. Conn....	Conn....	Nov. 3, 1897	3,000	.....
Do.....	.....	V. & D. C. ....	.....	.....	.....	.....
Glauchau, Saxony.....	George A. Bucklin, jr.†.....	C. Mo....	Okla....	July 16, 1906	2,000	.....
Do.....	John A. Merkle.....	V. C. Wash....	Okla....	June 4, 1907	.....	.....
Hamburg.....	Hugh Pitcairn (n).....	C. G. Scotland	Pa....	Feb. 12, 1903	8,000	.....
Do.....	E. H. L. Mummenhoff, V. & D. C. G.	England	Ger....	Mar. 18, 1903	.....	.....
Do.....	Otto W. Hellmrich.....	D. C. G. Ger....	Ger....	Mar. 18, 1903	.....	.....
Cuxhaven.....	Johann G. F. Starke.....	Agt. Ger....	Ger....	June 13, 1890	.....	239.00
Kiel, Prussia.....	Paul H. J. Sartori.....	Agt. Ger....	Ger....	Jan. 3, 1899	.....	280.50
Lübeck.....	Wolfgang Gaedertz.....	Agt. Ger....	Ger....	Mar. 23, 1903	.....	382.00
Hanover, Prussia.....	Robert J. Thompson†.....	C. Iowa....	Ill....	June 29, 1906	3,000	.....
Do.....	Henry J. Fuller.....	V. & D. C. England	Ger....	June 30, 1905	.....	.....
Kehl, Baden.....	William J. Pike.....	C. Pa....	Pa....	Mar. 30, 1907	3,000	.....
Do.....	Ralph F. Kruger.....	V. & D. C. Ger....	Ger....	April 11, 1907	.....	.....
Leipzig, Saxony.....	Southard P. Warner.....	C. D. C....	Md....	Aug. 9, 1904	4,000	.....
Do.....	Frederick Nachod.....	V. & D. C. Ger....	Ger....	Mar. 3, 1884	.....	.....
Do.....	Rudolph Fricke.....	D. C. Ger....	Ger....	Nov. 17, 1893	.....	.....
Gera, Reuss Schleitz.....	Charles Neuer (n).....	Agt. Ger....	N. Y....	Dec. 20, 1904	.....	2,370.50
Magdeburg, Prussia.....	Frank S. Hannah†.....	C. Mo....	Ill....	July 21, 1904	2,500	.....
Do.....	James L. A. Burrell.....	V. & D. C. Pa....	Md....	Dec. 6, 1904	.....	.....
Mainz, Hesse.....	Robert S. S. Bergh (n).....	C. Norway	N. Dak.	Mar. 30, 1907	3,000	.....
Do.....	Walter Hausing.....	V. & D. C. Ger....	Ger....	Dec. 20, 1901	.....	.....

* Born of American parents residing abroad.

† Appointed after examination under Executive order of November 10, 1905.

‡ Appointed after examination under Executive order of September 20, 1895.

GERMAN EMPIRE—GREAT BRITAIN AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Mannheim, Baden.....	Samuel H. Shank.....C.	Ind.....	Ind.....	Mar. 30, 1907	\$3,500	
Do.....	Joseph H. Leute.....V. C.	Pa.....	Pa.....	Aug. 10, 1906		
Neustadt-an-der-Hardt, Bavaria.	Leopold Blum.....Agt.	Ger.....	Ger.....	June 30, 1893		\$881.50
Munich, Bavaria.....	Thomas Willing Peters.....C. G.	Pa.....	D. C.....	Mar. 30, 1907	4,500	
Do.....	Abraham Schlesinger (n), V. & D. C. G.	Switz.....	N. Y.....	Oct. 10, 1904		
Do.....	.....D. C. G.					
Nuremberg, Bavaria.....	Heaton W. Harris.....C.	Ohio.....	Ohio.....	Mar. 30, 1907	4,000	
Do.....	Oscar Bock.....V. & D. C.	Ger.....	Ger.....	May 19, 1903		
Plauen, Saxony.....	Carl Bailey Hurst*.....C.	Ger.....	D. C.....	Aug. 23, 1905	4,000	
Do.....	W. H. H. Spielmeyer, V. & D. C.	Ger.....	Ger.....	June 3, 1902		
Markneukirchen, Saxony.	William F. L. Fiedler.....Agt.	Ger.....	Ger.....	July 16, 1901		3,221.50
Stettin, Prussia.....	John E. Kehl†.....C.	Ohio.....	Ohio.....	Oct. 15, 1897	2,500	
Do.....	Henry Harder.....V. & D. C.	Ger.....	Ger.....	Feb. 4, 1898		
Danzig, Prussia.....	Ernst A. Claaszen.....Agt.	Ger.....	Ger.....	Dec. 23, 1902		300.50
Königsberg, Prussia.....	Alexander Eckhardt (n).....Agt.	Ger.....	N. Y.....	Mar. 13, 1899		1,170.30
Swinemünde, Prussia.....	Wilhelm Potenberg.....Agt.	Ger.....	Ger.....	Mar. 16, 1907		74.00
Stuttgart, Württemberg.....	Edward Higgins.....C.	Mass.....	Mass.....	April 29, 1907	4,000	
Do.....	Ernest Entenmann(n), V. & D. C.	Ger.....	N. Y.....	Mar. 18, 1907		
Tsingtau, China.....	Wilbur T. Gracey.....C.	Mass.....	Mass.....	June 22, 1906	4,000	
Do.....	Ernest Vollmer.....V. C.	Cal.....	Cal.....	Feb. 4, 1907		
Do.....	Ernest Vollmer.....Int.	Cal.....	Cal.....	Feb. 4, 1907	1,000	
Weimar, Saxe-Weimer.....	Will L. Lowrie†.....C.	Mich.....	Ill.....	July 21, 1906	2,500	
Do.....	Paul Teichmann.....V. & D. C.	Ger.....	Ger.....	Oct. 6, 1899		
Zittau, Saxony.....	Clarence Rice Slocum.....C.	N. Y.....	N. Y.....	May 6, 1907	2,500	
Do.....	Herbert Smith.....V. & D. C.	England	Ger.....	Aug. 31, 1904		
GREAT BRITAIN AND DOMINIONS.						
Aden, Arabia.....	Wallace C. Bond†.....C.	Ky.....	Wyo.....	Mar. 30, 1907	2,500	
Do.....	George M. Gordon.....V. C.	Scotland	Arabia..	Feb. 14, 1906		
Hodeida.....	Erich Lindenmeyer.....Agt.	Ger.....	Arabia..	Mar. 16, 1907		285.00
Antigua, W. I.....	George B. Anderson.....C.	N. C.....	D. C.....	Mar. 10, 1905	2,000	
Do.....	Samuel Galbraith.....V. C.	Scotland	Antigua.	Mar. 10, 1890		
Roseau, Dominica.....	Henry A. Frampton.....Agt.	England	Domin..	Nov. 24, 1896		‡227.50
Auckland, N. Z.....	William A. Prickitt.....C. G.	N. J.....	N. J.....	Nov. 6, 1905	4,500	
Do.....	Leonard A. Bachelder.....V. C. G.	Mass.....	Mass.....	July 15, 1903		
Christchurch.....	Frank Graham.....Agt.	England	N. Z.....	Mar. 13, 1903		457.03
Dunedin.....	Frederick O. Bridgeman.....Agt.	England	N. Z.....	Oct. 30, 1900		690.02
Wellington.....	John G. Duncan.....Agt.		N. Z.....	June 12, 1906		940.14
Barbados, W. I.....	Arthur J. Clare (n).....C.	Barba..	D. C.....	Mar. 15, 1905	3,000	
Do.....	Houghton R. Kervey, V. & D. C.	Pa.....	Pa.....	Mar. 2, 1906		
St. Lucia.....	William Peter.....Agt.	S. Lucia.	S. Lucia.	Jan. 8, 1873		936.56
St. Vincent.....	Ernest A. Richards.....Agt.	St. Vin..	St. Vin..	Feb. 26, 1897		67.56

* Born of American parents residing abroad.

† Appointed after examination under Executive order of November 10, 1905.

‡ Appointed after examination under Executive order of June 27, 1906.

§ Incomplete returns.

GREAT BRITAIN AND DOMINIONS:

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Belfast, Ireland.	Samuel S. Knabenshue. C.	Ohio.	Ohio.	Jan. 9, 1905	\$5,000	
Do.	Paul Knabenshue. V. C.	Ohio.	Ohio.	June 20, 1906		
Do.	Edward Harvey. D. C.	Ireland.	Ireland.	June 20, 1906		
Ballymena.	Wilson McKeown. Agt.	Ireland.	Ireland.	Nov. 14, 1901		\$507.50
Londonderry.	P. T. Rodger. Agt.	Scotland.	Ireland.	April 19, 1888		507.50
Lurgan.	F. W. Magahan. Agt.	Ireland.	Ireland.	Mar. 29, 1882		1,062.50
Belize, Honduras.	William L. Avery*. C.	N. Y.	Mont.	Mar. 9, 1898	2,500	
Do.	. . . . . V. & D. C.					
Belleville, Ont.	Michael J. Hendrick. C.	N. Y.	N. Y.	May 20, 1893	2,000	
Do.	William N. Ponton. V. C.	Canada.	Canada.	April 11, 1885		
Deseronto.	Charles A. Milliner. Agt.	N. Y.	Canada.	April 15, 1890		458.00
Napanee.	William Templeton. Agt.	Canada.	Canada.	Aug. 8, 1888		45.50
Pictou.	Jacob F. Beringer. Agt.	N. Y.	Canada.	Sept. 25, 1888		154.50
Trenton.	Stephen J. Young. Agt.	Canada.	Canada.	June 2, 1891		419.50
Birmingham, England.	Albert Halstead†. C.	Ohio.	D. C.	April 3, 1906	4,500	
Do.	Arthur V. Blakemore. V. C.	England.	England.	June 21, 1907		
Do.	Ernest Harker. D. C.	England.	England.	Nov. 15, 1893		
Kidderminster.	James Morton. Agt.	England.	England.	Mar. 10, 1870		992.00
Redditch.	William U. Brewer. Agt.	Pa.	Pa.	Mar. 13, 1905		1,517.50
Wolverhampton.	Edward T. Creswell. Agt.	England.	England.	Aug. 10, 1906		582.00
Bombay, India.	E. Haldeman Dennison. C.	Ohio.	Ohio.	June 23, 1906	4,000	
Do.	Henry T. Dodge. V. C.	Iowa.	N. Y.	Aug. 8, 1903		
Karachi.	Edward L. Rogers. Agt.	England.	India.	Jan. 8, 1901		958.75
Bradford, England.	Erastus Sheldon Day. C.	Conn.	Conn.	April 7, 1897	3,500	
Do.	Thomas L. Renton. V. & D. C.	England.	England.	Oct. 23, 1883		
Do.	Richard B. Nicholls. D. C.	England.	England.	Aug. 2, 1893		
Bristol, England.	Lorin A. Lathrop. C.	Ohio.	Cal.	Feb. 28, 1891	2,000	
Do.	Richard Castle. V. & D. C.	England.	England.	Jan. 9, 1906		
Burslem, England.	Edward B. Walker†. C.	N. Y.	N. Y.	Jan. 30, 1906	3,000	
Do.	John H. Copestake. V. & D. C.	England.	England.	Aug. 21, 1905		
Calcutta, India.	William H. Michael. C. G.	Ohio.	Nebr.	Nov. 16, 1905	6,000	
Do.	Olin M. Bakins. V. & D. C. G.	N. H.	N. J.	Feb. 15, 1904		
Chitagon.	John L. Brown. Agt.	India.	India.	Sept. 28, 1901		123.50
Madras.	Algernon J. Yorke. Agt.	England.	India.	Jan. 20, 1905		1,851.50
Rangoon.	William Q. Rowett. Agt.	England.	India.	Jan. 25, 1903		1474.00
Calgary, Alberta.	E. Scott Hotchkiss. C.	N. Y.	Wis.	June 28, 1906	2,000	
Do.	H. Edgar Anderson. V. & D. C.	Minn.	S. Dak.	Sept. 12, 1906		
Lethbridge.	Charles B. Bowman. Agt.	Canada.	Canada.	Mar. 2, 1903		402.50
Campbellton, N. B.	Theodosius Botkin. C.	Ohio.	Utah.	Mar. 30, 1907	2,000	
Do.	John McAlister. V. C.	N. B.	N. B.	June 30, 1906		
Paspebiac.	Daniel Bisson. Agt.	Canada.	Canada.	April 17, 1889		529.50
Cape Town, Cape of Good Hope.	Julius G. Lay. C. G.	D. C.	D. C.	May 24, 1906	6,000	
Do.	George L. Foster. V. & D. C. G.	N. Y.	N. Y.	May 19, 1906		
Kimberley.	Alpheus F. Williams. Agt.	Cal.	Cal.	Feb. 10, 1906		
Cardiff, Wales.	Daniel W. Williams*. C.	Ohio.	Ohio.	Mar. 1, 1905	2,500	
Do.	Albert S. Phillips. V. & D. C.	N. Y.	Ill.	Dec. 28, 1905		
Charlottetown, P. E. I.	John H. Shirley. C.	Ill.	Ill.	Nov. 21, 1906	2,000	
Do.	John T. Crockett. V. & D. C.	P. E. I.	P. E. I.	Oct. 25, 1890		
Souris.	Caleb C. Carlton, jr. Agt.	Mass.	Mass.	June 25, 1904		161.15
Summerside.	Richard Hunt. Agt.	P. E. I.	P. E. I.	Nov. 21, 1899		433.67

* Appointed after examination under Executive order of September 20, 1895.

† Appointed after examination under Executive order of November 10, 1905.

‡ Incomplete returns.

LIST OF CONSULAR OFFICERS

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GREAT BRITAIN AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Coaticook, Quebec.	Franklin D. Hale*	C. Vt.	Vt.	Oct. 30, 1902	\$2,000	
Do.	Edward E. Wetherell. V. & D. C.	Canada	Canada	May 1, 1906		
Hereford.	John R. Nichols.	Agt. N. H.	Canada	June 6, 1870		\$170.00
Lineboro.	Hoel S. Beebe.	Agt. Vt.	Canada	June 1, 1893		1,247.00
Stanstead.	Benjamin F. Butterfield.	Agt. Vt.	Vt.	Oct. 15, 1897		121.00
Collingwood, Ont.	Augustus G. Seyfert.	C. Pa.	Pa.	Nov. 21, 1906	2,500	
Do.	William T. Toner. V. & D. C.	Pa.	Pa.	Dec. 27, 1905		
Barrie.	Alfred E. H. Creswicke.	Agt. Canada	Canada	July 17, 1895		685.00
Owen Sound.	William T. Robertson.	Agt. Canada	Canada	May 11, 1894		1947.50
Parry Sound.	Walter R. Foot.	Agt. Ireland	Canada	Nov. 2, 1892		502.00
Colombo, Ceylon.	Edward A. Creevey.	C. N. J.	Conn.	Mar. 30, 1907	3,000	
Do.	Elmer Lake Morey†. V. & D. C.	Ceylon	Ceylon	April 5, 1893		
Cork (Queenstown), Ireland.	Henry S. Culver.	C. Ohio.	Ohio.	June 22, 1906	2,500	
Do.	James William Scott.	V. C. Ireland	Ireland	Feb. 14, 1889		
Do.	George B. Dawson.	D. C. Ireland	Ireland	Dec. 17, 1902		
Waterford.	William H. Farrell.	Agt. Ireland	Ireland	Jan. 31, 1880		40.50
Cornwall, Ont.	John E. Hamilton.	C. Pa.	Ky.	June 22, 1906	2,000	
Do.	David A. Plack.	V. & D. C. N. Y.	Canada	June 30, 1906		
Dawson, Yukon Territory.	George C. Cole.	C. W. Va.	W. Va.	June 22, 1906	5,000	
Do.	G. Carlton Woodward, V. & D. C.	Pa.	Pa.	Oct. 26, 1904		
Dublin, Ireland.	Alfred K. Moe.	C. N. Y.	N. J.	Oct. 13, 1904	4,000	
Do.	Arthur Donn Piatt. V. & D. C.	D. C.	Ohio.	May 6, 1893		
Athlone.	John Burgess.	Agt. Ireland	Ireland	June 20, 1888		234.50
Galway.	Robert A. Tennant.	Agt. Scotland	Ireland	May 4, 1901		200.00
Limerick.	Edmund Ludlow.	Agt. England	Ireland	Nov. 7, 1896		436.50
Dundee, Scotland.	John C. Higgins*.	C. Del.	Del.	July 5, 1897	4,000	
Do.	Allan Baxter. V. & D. C.	Scotland	Scotland	June 23, 1894		
Aberdeen.	William P. Quann.	Agt. Minn.	Minn.	Aug. 18, 1906		3,174.00
Dunfermline, Scotland.	John N. McCunn (n)*.	C. Scotland	Wis.	July 28, 1897	3,000	
Do.	Charles Drysdale.	V. C. Scotland	Scotland	May 29, 1899		
Kirkcaldy.	J. Lockhart Innes.	Agt. Scotland	Scotland	Feb. 6, 1903		1,665.50
Durban, Natal.	Edwin S. Cunningham.	C. Tenn.	Tenn.	June 22, 1906	3,500	
Do.	Russell H. Millward. V. & D. C.	Ohio.	Pa.	Jan. 29, 1907		
Edinburgh, Scotland.	Rufus Fleming*.	C. Ind.	Ohio.	Oct. 5, 1897	3,500	
Do.	Frederick P. Piatt. V. & D. C.	Ohio.	Ohio.	July 5, 1894		
Galashiels.	John Stalker.	Agt. Scotland	Scotland	May 4, 1894		327.50
Fort Erie, Ont.	Horace J. Harvey*.	C. N. Y.	N. Y.	July 1, 1902	2,000	
Do.	Lewis H. Manly. V. & D. C.	Pa.	N. Y.	Sept. 5, 1902		
Gaspé, Quebec.	Almar F. Dickson.	C. Conn.	Mass.	Aug. 2, 1887	2,000	
Do.	John Carter.	V. C. Canada	Canada	Aug. 7, 1890		
Georgetown, Guiana.	Selah Merrill.	C. Conn.	Mass.	Mar. 30, 1907	3,500	
Do.	Donald Mitchell. V. & D. C.	Barba.	Guiana.	Mar. 3, 1905		
Cayenne.	Charles Henri Fourrage.	Agt. Guiana.	Guiana.	April 2, 1903		75.44
Paramaribo.	William H. Bradley.	Agt. Ind.	N. Y.	Mar. 3, 1905		563.50
Gibraltar, Spain.	Richard L. Sprague†.	C. Gibral.	Mass.	July 18, 1907	2,000	
Do.	Arthur D. Hayden. V. & D. C.	Mass.	D. C.	May 17, 1907		
Glasgow, Scotland.	Richard W. Austin||.	C. Ala.	Tenn.	June 22, 1906	4,500	

* Appointed after examination under Executive order of September 20, 1895.

† Incomplete returns.

‡ Born of American parents residing abroad.

|| Appointed after examination under Executive order of November 10, 1905.

GREAT BRITAIN AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Glasgow, Scotland—Cont.	William H. Tew..... V. C.	N. Y.	N. Y.	Nov. 2, 1906		
Do.....	Alfred Middleton..... D. C.	Scotland	Scotland	Nov. 7, 1906		
Greenock.....	James A. Love..... Agt.	Scotland	Scotland	Mar. 27, 1891		\$200.00
Troon.....	Peter H. Waddell..... Agt.	Scotland	Scotland	Mar. 5, 1896		780.00
Halifax, N. S.	David F. Wilber..... C. G.	N. Y.	N. Y.	Mar. 30, 1907	\$4,500	
Do.....	George Hill..... V. & D. C. G.	England	N. S.	Aug. 5, 1892		
Bridgewater.....	William H. Owen..... Agt.	N. S.	N. S.	April 18, 1872		618.31
Liverpool.....	Jason M. Mack..... Agt.	N. S.	N. S.	Dec. 28, 1895		315.00
Lunenburg.....	Daniel J. Rudolf..... Agt.	N. S.	N. S.	June 13, 1907		
Hamilton, Bermuda.	W. Maxwell Greene.*..... C. R. I.	R. I.	R. I.	Jan. 14, 1898	2,500	
Do.....	William H. Heyl..... V. & D. C.	Ber.	Ber.	April 18, 1902		
St. George.....	Howard D. Fox..... Agt.	Ber.	Ber.	June 30, 1906		239.26
Hamilton, Ont.	James M. Shepard*..... C.	Mass.	Mich.	July 17, 1897	3,000	
Do.....	Richard Butler (n)..... V. & D. C.	Canada	Ill.	Feb. 16, 1898		
Brantford.....	Martin W. McEwen..... Agt.	Canada	Canada	Sept. 6, 1904		531.00
Galt.....	James Ryerson..... Agt.	Canada	Canada	Feb. 23, 1899		609.50
Hobart, Tasmania	Alexander George Webster..... C.	England	Tasm.	Jan. 19, 1876	2,000	
Do.....	Charles Ernest Webster..... V. C.	Tasm.	Tasm.	July 13, 1899		
Launceston.....	Lindsay Tullock..... Agt.	Tasm.	Tasm.	Feb. 10, 1887		115.50
Hongkong, China.	Amos P. Wildert..... C. G.	Me.	Wis.	Mar. 7, 1906	8,000	
Do.....	Stuart J. Fuller..... V. & D. C. G.	Iowa	N. Y.	April 20, 1906		
Do.....	James Chue..... Int.	Austral.	China	May 9, 1906	1,000	
Huddersfield, England	Frederick I. Bright†..... C.	Ohio	Ohio	Mar. 26, 1906	3,000	
Do.....	David J. Bailey..... V. & D. C.	England	England	July 26, 1893		
Hull, England.....	Walter C. Hamm*..... C.	N. Y.	Pa.	July 18, 1903	2,500	
Do.....	Ernest E. Haller..... V. C.	England	England	Nov. 22, 1901		
Jamestown, St. Helena	Robert P. Pooley (n)..... C.	St. Hel.	N. Y.	Jan. 12, 1898	2,000	
Do.....	John W. Broadway..... V. C.	St. Hel.	St. Hel.	April 14, 1904		
Kingston, Jamaica	Frederick Van Dyne‡..... C.	N. Y.	N. Y.	Mar. 8, 1907	4,500	
Do.....	William H. Orrett..... V. & D. C.	N. Y.	Jamaica	Nov. 22, 1902		
Black River.....	C. M. Farquharson..... Agt.		Jamaica	Feb. 17, 1893		191.50
Montego Bay.....	Harry M. Doubleday..... Agt.	N. Y.	N. Y.	June 3, 1907		923.50
Port Morant.....	Cecil C. Langlois..... Agt.	Jamaica	Jamaica	Mar. 12, 1901		1,177.00
St. Ann's Bay.....	Anthony B. D. Rennie..... Agt.	Jamaica	Jamaica	Oct. 22, 1902		1,284.00
Savannah-la-Mar.....	Ch. S. Farquharson..... Agt.	Jamaica	Jamaica	Dec. 21, 1895		155.00
Kingston, Ont.	Howard D. Van Sant..... C.	N. J.	N. J.	Sept. 15, 1905	2,000	
Do.....	Matthew H. Folger..... V. & D. C.	N. Y.	N. Y.	Sept. 23, 1874		
Leeds, England.....	Lewis Dexter..... C.	R. I.	R. I.	Dec. 18, 1897	2,500	
Do.....	Edmund Ward..... V. C.	England	England	Oct. 11, 1906		
Do.....	Charles B. Taylor..... D. C.	England	England	Oct. 11, 1906		
Liverpool, England.....	John L. Griffiths..... C.	N. Y.	Ind.	Mar. 8, 1905	8,000	
Do.....	William J. Sulis..... V. & D. C.	England	England	July 18, 1887		
Do.....	William Pierce..... D. C.	England	England	April 28, 1894		
Holyhead, Wales.....	Richard D. Roberts..... Agt.	England	England	July 24, 1896		6.00
St. Helens.....	John Hammill..... Agt.	England	England	April 19, 1888		861.00
London, England.....	Robert J. Wynne..... C. G.	N. Y.	Pa.	Mar. 8, 1905	12,000	
Do.....	Richard Westacott, V & D. C. G.	Mass.	Mass.	May 24, 1897		

* Appointed after examination under Executive order of September 20, 1895.

† Appointed after examination under Executive order of November 10, 1905.

‡ Incomplete returns.

§ Appointed under Executive order of June 27, 1906.

LIST OF CONSULAR OFFICERS

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GREAT BRITAIN AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30 1906.
London, England — Cont.	Francis W. Frigout..... D. C. G.	England	England	Mar. 28, 1893	.....	.....
Do.....	Richard Westacott..... C. C.	Mass.	Mass.	Nov. 21, 1898	\$1,200	.....
Dover.....	Francis W. Prescott..... Agt.	England	England	April 5, 1906	.....	\$325.00
Malta (Islands).....	John H. Groul..... C. Mass.	Mass.	Mass.	Jan. 10, 1898	2,500	.....
Do.....	James A. Turnbull..... V. & D. C.	.....	Malta..	Aug. 8, 1906	.....	.....
Manchester, England.....	William Harrison Bradley..... C. Ill.	Ill.	Ill.	June 22, 1906	6,000	.....
Do.....	John W. Thomas..... V. C.	England	England	June 12, 1905	.....	.....
Melbourne, Australia.....	John P. Bray..... C. G.	Minn.	N. Dak.	June 30, 1897	5,500	.....
Do.....	Alfred P. Merrill..... V. O. G.	Me.	Victoria.	Oct. 10, 1904	.....	.....
Do.....	Wilbur K. Bouton..... D. C. G.	N. Y.	Mass.	Jan. 28, 1904	.....	.....
Adelaide.....	Charles A. Murphy..... Agt.	N. Y.	S. Aust.	Nov. 10, 1887	.....	*145.00
Fremantle, Western Australia.	Frank R. Perrot..... Agt.	Cal.	Cal.	Mar. 29, 1904	.....	*91.00
Moncton, N. B.....	Gustave Beutelspacher (n)..... C.	Ger.	Ohio.	June 22, 1906	2,000	.....
Do.....	Chipman A. Steeves..... V. & D. C.	Canada	Canada	June 30, 1906	.....	.....
Newcastle.....	Byron N. Call..... Agt.	Canada	Canada	Feb. 19, 1904	.....	1,466.11
Montreal, Quebec.....	Church Howe..... C. G.	Mass.	Nebr.	June 22, 1906	6,000	.....
Do.....	Patrick Gorman..... V. & D. C. G.	Canada	Canada	Feb. 18, 1886	.....	.....
Hemmingford.....	Wellington W. Work..... Agt.	N. Y.	Canada	May 14, 1885	.....	145.00
Huntingdon.....	John Dineen..... Agt.	N. Y.	Canada	Aug. 15, 1895	.....	430.00
Nassau, N. P.....	Julian Potter†..... C.	N. Y.	N. Y.	Oct. 30, 1903	3,000	.....
Do.....	William R. Knowles..... V. C.	.....	Baha	Aug. 30, 1906	.....	.....
Albert Town.....	José G. Maura..... Agt.	Pa.	Baha	Oct. 5, 1898	.....	135.00
Dunmore Town.....	Samuel M. Sweeting..... Agt.	.....	Baha	Mar. 21, 1906	.....	157.50
Governor's Harbor.....	Abner W. Griffin..... Agt.	Baha	Baha	Mar. 3, 1896	.....	225.00
Mathewtown.....	Daniel D. Sargent..... Agt.	Baha	Baha	July 20, 1896	.....	145.00
Newcastle, N. S. W.....	Frederick W. Godingt..... C.	Mass.	Ill.	Feb. 11, 1898	3,000	.....
Do.....	John K. Foster..... V. & D. C.	N. Y.	N. Y.	Jan. 14, 1907	.....	.....
Brisbane, Queensland.....	William J. Weatherill..... Agt.	N. S. W.	Queens.	May 20, 1892	.....	485.00
Townsville, Queensland.....	David J. Brownhill..... Agt.	Scotland	Queens.	Feb. 8, 1905	.....	217.00
Newcastle-on-Tyne, England.	Horace W. Metcalf..... C.	Me.	Me.	June 25, 1897	3,000	.....
Do.....	Hetherington Nixon..... V. & D. C.	England	England	July 2, 1896	.....	.....
Carlisle.....	Thomas S. Strong..... Agt.	England	England	Oct. 25, 1898	.....	710.00
Sunderland.....	Thomas A. Horan..... Agt.	England	England	Dec. 21, 1895	.....	175.00
West Hartlepool.....	Hans C. Nielsen..... Agt.	England	England	May 15, 1899	.....	766.39
Niagara Falls, Ont.....	William H. H. Webster..... C.	N. Y.	N. Y.	Oct. 26, 1903	2,000	.....
Do.....	Neville B. Colcock..... V. & D. C.	England	Canada	Feb. 16, 1900	.....	.....
Nottingham, England.....	Frank W. Mahin..... C.	Iowa.	Iowa.	June 11, 1902	4,500	.....
Do.....	William T. Cartwright..... V. C.	England	England	Feb. 26, 1906	.....	.....
Do.....	Thomas H. Cook..... D. C.	England	England	Oct. 26, 1900	.....	.....
Derby.....	Charles K. Eddowes..... Agt.	England	England	Oct. 13, 1882	.....	1,062.14
Leicester.....	Samuel S. Partridge..... Agt.	England	England	June 1, 1891	.....	1,073.50
Orillia, Ont.....	Ernest A. Wakefield..... C.	Me.	Me.	May 21, 1900	2,500	.....
Do.....	Robert H. Jupp..... V. & D. C.	Canada	Canada	July 7, 1900	.....	.....
Midland.....	Francis J. McCallum..... Agt.	Canada	Canada	Dec. 12, 1901	.....	1,613.50
North Bay, Nipissing.....	Edgar C. Wakefield..... Agt.	Me.	Me.	Oct. 1, 1906	.....	1,992.50
Sudbury.....	David M. Brodie..... Agt.	Scotland	Canada	Feb. 1, 1907	.....	902.00
Ottawa, Ont.....	John G. Foster..... C. G.	Vt.	Vt.	June 18, 1903	6,000
Do.....	Horace M. Sanford, V. & D. C. G.	Conn.	Conn.	Sept. 9, 1898

* Incomplete returns.

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GREAT BRITAIN AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Arnprior.....	James J. McBride..... Agt.	Ohio.....	Ohio.....	Sept. 23, 1905.....		\$2,477.50
Plymouth, England.....	Joseph G. Stephens (n)..... C.	England.....	Ind.....	July 15, 1897.....	\$2,500.....	
Do.....	John J. Stephens..... V. & D. C.	Pa.....	Ind.....	Oct. 7, 1899.....		
Dartmouth.....	Jasper Bartlett..... Agt.	England.....	England.....	May 14, 1898.....		23.50
Falmouth.....	Howard Fox..... Agt.	England.....	England.....	Dec. 28, 1905.....		*404.50
Guernsey.....	William Carey..... Agt.	England.....	England.....	April 8, 1880.....		80.50
Jersey.....	E. B. Renouf..... Agt.	Jersey.....	Jersey.....	Dec. 1, 1892.....		49.50
St. Marys, Scilly Islands.....	John Banfield, jr..... Agt.	England.....	England.....	July 29, 1876.....		
Port Antonio, Jamaica.....	Nicholas R. Snyder..... C.	Pa.....	Pa.....	June 22, 1906.....	3,000.....	
Do.....	Daniel H. Jackson..... V. & D. C.	Jamaica.....	Jamaica.....	June 30, 1905.....		
Port Maria.....	Alfred Savariau..... Agt.	Jamaica.....	Jamaica.....	Feb. 8, 1905.....		2,202.50
Port Elizabeth, Cape of Good Hope.....	Robert Brent Mosher..... C.	D. C.....	D. C.....	Nov. 21, 1906.....	3,500.....	
Do.....	Charles J. Wright..... V. & D. C.	Ohio.....	Ohio.....	Jan. 2, 1907.....		
East London.....	William H. Fuller..... Agt.	Cape Col.....	Cape Col.....	Mar. 28, 1884.....		244.90
Port Hope, Ont.....	Harry P. Dill..... C.	Me.....	Me.....	May 21, 1900.....	2,500.....	
Do.....	John Harcourt..... V. & D. C.	Canada.....	Canada.....	June 13, 1900.....		
Peterborough.....	Frank J. Bell..... Agt.	Canada.....	Canada.....	July 14, 1906.....		*173.00
Port Louis, Mauritius.....	..... C.	.....	.....	.....	2,000.....	
Do.....	Robert E. Sneed..... V. C.	Mauri.....	Mauri.....	Dec. 7, 1906.....		
Port Rowan, Ont.....	George B. Killmaster (n)..... C.	Canada.....	Mich.....	June 22, 1906.....	2,000.....	
Do.....	William H. Meek..... V. C.	Canada.....	Canada.....	June 30, 1906.....		
Port Stanley, F. I.....	John E. Rowan..... C.	Conn.....	Iowa.....	Feb. 4, 1898.....	\$2,000.....	
Do.....	Louis Williams..... V. C.	F. I.....	F. I.....	Nov. 12, 1900.....		
Prescott, Ont.....	Martin R. Sackett..... C.	N. Y.....	N. Y.....	June 5, 1903.....	2,500.....	
Do.....	James Buckley..... V. & D. C.	Canada.....	Canada.....	April 5, 1876.....		
Pretoria, Transvaal.....	John H. Snodgrass..... C.	W. Va.....	W. Va.....	Mar. 18, 1905.....	5,000.....	
Do.....	Ezekiel Davidson..... V. C.	Ohio.....	Ohio.....	Feb. 17, 1906.....		
Bloemfontein, Orange River Colony.....	Arthur E. Richardt..... Agt.	So. Af.....	So. Af.....	Feb. 26, 1907.....		\$2.00
Johannesburg, Transvaal.....	Herman A. Loeser..... Agt.	N. Y.....	N. Y.....	May 29, 1907.....		476.90
Quebec, Quebec.....	William W. Henry..... C.	Vt.....	Vt.....	July 17, 1897.....	3,500.....	
Do.....	Frank S. Stooking..... V. C.	N. Y.....	N. Y.....	May 27, 1898.....		
Levis.....	Charles M. Barclay..... Agt.	Canada.....	Canada.....	Jan. 14, 1903.....		1,117.00
Rimouski, Quebec.....	Edwin N. Gunsaulus..... C.	Ohio.....	Ohio.....	June 22, 1906.....	3,500.....	
Do.....	Michel Ringuet, jr..... V. & D. C.	Canada.....	Canada.....	June 30, 1906.....		
Cabano.....	Thomas T. Hammond..... Agt.	Me.....	Me.....	Sept. 6, 1906.....		2,860.00
St. Christopher, W. I.....	..... C.	.....	.....	.....	2,000.....	
Do.....	Emile S. Delisle..... V. C.	St. Chr.....	St. Chr.....	June 30, 1906.....		
Nevis.....	Charles C. Creaves..... Agt.	W. I.....	St. Chr.....	July 17, 1893.....		7.50
St. Hyacinthe, Quebec.....	Joseph M. Authier (n)..... C.	Canada.....	R. I.....	June 22, 1906.....	2,000.....	
Do.....	Francis Bartels..... V. & D. C.	Canada.....	Canada.....	June 30, 1906.....		
Sorel.....	Isaie Sylvestre..... Agt.	Canada.....	Canada.....	Nov. 30, 1892.....		264.00
Waterloo.....	Charles M. Eastman..... Agt.	Vt.....	Vt.....	April 17, 1901.....		430.00
St. John, N. B.....	Gebhard Willrich (n)..... C.	Ger.....	Wis.....	Oct. 5, 1905.....	3,000.....	
Do.....	Leonard M. Jewett, V. & D. C.	N. B.....	Mass.....	Jan. 24, 1901.....		
Campobello Island.....	John J. Alexander (n)..... Agt.	N. B.....	Me.....	May 7, 1887.....		58.00

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LIST OF CONSULAR OFFICERS

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GREAT BRITAIN AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
St. John's, N. F.	James S. Benedict.	C. N. Y.	N. Y.	Mar. 30, 1907	\$2,500	
Do.	Henry F. Bradshaw.	V. C. N. F.	N. F.	May 1, 1897		
Bay Bulls.	Hamilton Weeks.	Agt. Canada	N. F.	May 21, 1902		
Port aux Basques.	James W. Keating.	Agt. N. F.	N. F.	May 24, 1902		\$22.50
St. John's, Quebec.	Charles Deal*.	C. N. Y.	N. Y.	July 17, 1897	2,000	
Do.	John Donaghy.	V. & D. C. Canada	Canada	Feb. 26, 1890		
St. Stephen, N. B.	Charles A. McCullough*.	C. Me.	Me.	July 17, 1897	2,000	
Do.	Charlie N. Vroom.	V. & D. C. N. B.	N. B.	Aug. 26, 1895		
Sandakan, British North Borneo	Lester Maynard†.	C. Cal.	Cal.	June 26, 1906	3,000	
Do.		V. & D. C.				
Sarnia, Ont.	Neal McMillan (n)*.	C. Canada	Mich.	Jan. 10, 1898	2,500	
Do.	Arthur J. Chester.	V. & D. C. Canada	Canada	May 18, 1900		
Clinton.	A. O. Pattison.	Agt. Canada	Canada	July 11, 1890		563.50
Courtwright.	Fred W. Baby.	Agt. Canada	Canada	May 26, 1882		180.50
Sault Ste. Marie, Ont.	George W. Shotts.	C. Ohio.	Mich.	June 22, 1906	2,500	
Do.	John N. Fairbairn.	V. & D. C. Canada	Canada	Aug. 17, 1906		
Sheffield, England.	Charles N. Daniels*.	C. N. Y.	Conn.	Sept. 25, 1903	3,000	
Do.	Herbert Hughes.	V. C. England	England	July 31, 1902		
Do.	Luther J. Parr.	D. C. England	England	July 31, 1902		
Barnsley.	Charles McNaughton.	Agt. Scotland	England	April 2, 1903		268.50
Sherbrooke, Quebec.	Paul Lang*.	C. N. H.	N. H.	July 15, 1897	3,500	
Do.	George E. Borlase.	V. & D. C. Canada	Canada	Feb. 4, 1899		
Cookshire.	William F. Given.	Agt. D. C.	D. C.	Aug. 6, 1898		2,224.00
Megantic.	Henry W. Albrow.	Agt. Canada	Canada	Oct. 28, 1898		650.50
Sierra Leone, West Africa.	William J. Yerby†.	C. Ark.	Tenn.	June 28, 1906	2,000	
Do.	John R. King.	V. C. Ohio.	Ohio.	June 20, 1906		
Singapore, S. S.	Thornwell Haynes.	C. G. S. C.	S. C.	Mar. 30, 1907	4,500	
Do.	Geo. E. Chamberlin.	V. & D. C. G. Conn.	N. Y.	Jan. 2, 1906		
Penang.	Otto Schule.	Agt. Switz.	S. S.	July 20, 1907		1,199.50
Southampton, England.	Albert W. Swaim.	C. Pa.	Iowa.	Mar. 19, 1903	4,500	
Do.	Richard Jones (n).	V. & D. C. Wales.	N. J.	Nov. 25, 1898		
Portsmouth.	John Main.	Agt. England	England	Sept. 16, 1902		106.50
Weymouth.	Frederick W. Fuller.	Agt. England	England	July 17, 1902		192.50
Suva, Fiji Islands.		C.			2,000	
Swansea, Wales.	Jesse H. Johnson.	C. W. Va.	Tex.	Mar. 30, 1907	3,000	
Do.	William D. Rees.	V. & D. C. Wales.	Wales.	Oct. 20, 1897		
Sydney, N. S.	George N. West.	C. Me.	D. C.	July 1, 1897	3,000	
Do.	John E. Burchell.	V. C. N. S.	N. S.	Aug. 19, 1897		
Cape Canso.	Alfred W. Hart.	Agt. N. S.	N. S.	July 23, 1885		144.50
Louisburg.	Henry C. V. Le Vatte.	Agt. N. S.	N. S.	Nov. 3, 1898		1,031.50
Pictou.	John R. Davies.	Agt. N. S.	N. S.	July 27, 1897		199.50
Port Hawkesbury.	Alexander Bain.	Agt. N. S.	N. S.	Oct. 26, 1886		504.50
Sydney, N. S. W.	Orlando H. Baker.	C. Ind.	Iowa.	June 16, 1900	3,000	
Do.	Henry L. Jones.	V. C. Pa.	Mass.	April 3, 1903		
Norfolk Island.	Isaac Robinson.	Agt. Aust.	N. S. W.	Nov. 18, 1887		
Three Rivers, Quebec.	James H. Worman (n).	C. Ger.	N. Y.	May 5, 1904	3,500	
Do.	Waters W. Braman, jr.	V. C. N. Y.	N. Y.	Sept. 4, 1891		
Do.		D. C.				
Victoriaville.	George E. Beaudet (n).	Agt. Canada	Cal.	April 28, 1902		1,637.00

* Appointed after examination under Executive order of September 20, 1895.

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GREAT BRITAIN AND DOMINIONS—GREECE.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Toronto, Ont.	Robert S. Chilton, jr.	C. D. C.	D. C.	Mar. 10, 1905	\$4,000	
Do.	David S. Tovell	V. & D. C.	Canada	Dec. 6, 1904		
Trinidad, W. I.	William W. Handley	C. D. C.	N. Y.	Nov. 13, 1905	3,000	
Do.	Spencer J. Kirtton	V. C.	St. Chris.	Oct. 8, 1904		
Grenada	P. J. Dean	Agt.	Grenada	Dec. 16, 1891		\$593.00
Turks Island, W. I.	Joseph A. Howells*	C. Ohio.	Ohio.	Oct. 30, 1905	2,000	
Do.	W. Stanley Jones	V. C.	T. Isl.	Oct. 9, 1895		
Cockburn Harbor	Cleophas Hunt Durham	Agt.	T. Isl.	July 1, 1896		156.38
Salt Cay	Daniel F. Harriott	Agt.	Conn.	Aug. 16, 1888		77.55
Vancouver, B. C.	L. Edwin Dudley*	C. Vt.	Mass.	July 7, 1897	4,000	
Do.	Harry H. Phillips	V. C.	W. Va.	June 20, 1906		
Do.	James G. Harris	D. C.	Me.	Feb. 18, 1907		
Cumberland	George W. Clinton	Agt.	Pa.	Nov. 10, 1898		360.00
Fernie	John R. Pollock	Agt.	Cal.	Mar. 26, 1901		2,620.00
Nelson	Walter S. Riblet	Agt.	Wis.	Aug. 19, 1902		938.50
Roseland	George A. Ohren (n)	Agt.	Canada	D. C.	May 12, 1902	733.00
Victoria, B. C.	Abraham E. Smith (n)*	C. England	Ill.	July 2, 1897	4,000	
Do.	Robert M. Newcomb	V. & D. C.	Ind.	Mar. 25, 1907		
Chernainus	Albert Lee Palmer	Agt.	Minn.	Mar. 7, 1907		1,349.53
Nanaimo	Joseph H. Pashley	Agt.	N. Y.	U. S.	Mar. 26, 1906	565.18
Windsor, N. S.	Joseph T. Hoke*	C. Va.	W. Va.	Oct. 8, 1897	2,000	
Do.		V. & D. C.				
Parrsboro	Laurence H. Hoke	Agt.	W. Va.	W. Va.	July 26, 1899	1,350.50
Windsor, Ont.	Harry A. Conant	C. Mich.	Mich.	April 18, 1905	2,500	
Do.	Daniel Chater	V. & D. C.	Canada	June 13, 1904		
Winnipeg, Manitoba	John Edward Jones	C. D. C.	D. C.	Mar. 30, 1907	3,500	
Do.	Carl R. Loop	V. C.	Ind.	Feb. 21, 1907		
Emerson	Duncan McArthur	Agt.	Canada	Canada	Mar. 30, 1889	1,035.00
Fort Williams, Ont.	C. W. Jarvis	Agt.	Canada	Canada	July 17, 1895	1,019.00
Gretna	Michael Long	Agt.	Canada	Canada	Nov. 19, 1903	108.50
Kenora, Ont.	John Dean	Agt.	Canada	Canada	Feb. 14, 1907	304.50
North Portal, Saskatchewan	W. H. Dorsey	Agt.	Canada	Canada	May 1, 1895	855.00
Woodstock, N. B.	Frank C. Denison*	C. Vt.	Vt.	June 28, 1897	2,000	
Do.	John R. Lindow	V. C.	N. B.	N. B.	Oct. 26, 1904	
Edmunston	J. Adolphe Guy	Agt.	N. B.	N. B.	June 1, 1896	928.50
Yarmouth, N. S.	Alfred J. Fleming	C. Mo.	Mo.	Mar. 30, 1907	2,500	
Do.	William H. Doyle	V. & D. C.	Conn.	Conn.	Feb. 15, 1907	
Annapolis Royal	Jacob M. Owen	Agt.	N. S.	N. S.	April 8, 1872	283.50
Barrington Passage	Thomas W. Robertson	Agt.	N. S.	N. S.	Mar. 7, 1892	157.50
Digby	William B. Stewart	Agt.	N. S.	N. S.	Jan. 16, 1873	522.50
Lockport	William McMillan	Agt.	N. S.	N. S.	Feb. 6, 1904	62.50
Shelburne	Edward M. Bill	Agt.	N. S.	N. S.	Oct. 28, 1901	80.00
GREECE.						
Athens	George Horton	C. G. N. Y.	Ill.	June 22, 1906	3,000	
Do.	Bernard Melissinos	V. C. G.	Greece	Sept. 13, 1906		
Piræus	Bernard Melissinos	Agt.	Greece	Greece	Aug. 30, 1906	788.00
Patras	James Verner Long	C. Pa.	Pa.	June 18, 1903	2,000	
Do.	Howorth J. Woodley	V. C.	England	Greece	Aug. 13, 1906	
Corfu	Charles E. Hancock	Agt.	Greece	Greece	Jan. 22, 1902	124.50

* Appointed after examination under Executive order of September 20, 1895.

† Incomplete returns.

GUATEMALA—ITALY.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission	Salary.	Fees, year ending June 30, 1906.
GUATEMALA.						
Guatemala.....	William P. Kent*..... C. G.	Va.....	Va.....	July 6, 1906	\$3,500	.....
Do.....	William Owen... V. & D. C. G.	D. C.....	Md.....	June 28, 1904	.....	.....
Champerico.....	Carl G. Heitman..... Agt.	Cal.....	Cal.....	Dec. 21, 1903	.....	\$1,794.80
Livingston.....	Edward Reed..... Agt.	Cal.....	Cal.....	April 6, 1901	.....	1,121.69
Ocos.....	Samuel Wolford..... Agt.	Cal.....	Cal.....	May 14, 1898	.....	476.75
San José de Guatemala.	Frank Sims Swan..... Agt.	Cal.....	Cal.....	Dec. 4, 1902	.....	1,343.94
HAITI.						
Cape Haitien.....	Lemuel W. Livingston†..... C.	Fla.....	Fla.....	Jan. 14, 1898	2,000	.....
Do.....	Otto F. Schutt..... V. C.	Jamaica.	Haiti.....	Sept. 13, 1906	.....	.....
Gonaives.....	J. William Woel (n)..... Agt.	Haiti.....	Mass.....	Sept. 8, 1899	.....	393.50
Port de Paix.....	Carl Abegg (n)..... Agt.	Switz.....	N. Y.....	June 12, 1896	.....	467.00
Port au Prince.....	John B. Terres..... C.	N. C.....	N. Y.....	May 5, 1904	3,000	.....
Do.....	Alexander Battiste... V. & D. C.	Ga.....	Haiti.....	July 30, 1904	.....	.....
Aux Cayes.....	Adolph Strohm..... Agt.	.....	Haiti.....	Dec. 1, 1906	.....	346.00
Jacmel.....	Louis Vital (n)..... Agt.	Haiti.....	Conn.....	Feb. 6, 1904	.....	412.50
Jeremie.....	St. Charles Villedrouin (n)..... Agt.	Haiti.....	N. Y.....	June 15, 1903	.....	522.50
Miragoane.....	Ernil Goldenberg..... Agt.	Ger.....	Haiti.....	Aug. 2, 1900	.....	190.00
Petit Goave.....	L. Kampmeyer..... Agt.	Ger.....	Haiti.....	Mar. 23, 1899	.....	90.00
St. Marc.....	Charles Miot..... Agt.	Haiti.....	Haiti.....	Oct. 1, 1899	.....	390.00
HONDURAS.						
Celba.....	Drew Linard†..... C.	Pa.....	Pa.....	Mar. 30, 1907	2,000	.....
Do.....	Virgil C. Reynolds..... V. C.	Ky.....	La.....	Oct. 27, 1905	.....	.....
Tela.....	Wallace C. Hutchinson..... Agt.	Vt.....	N. Y.....	April 12, 1905	.....	568.50
Truxillo.....	John T. Glynn..... Agt.	La.....	La.....	July 25, 1899	.....	177.50
Puerto Cortes.....	Albert W. Brickwood, jr..... C.	Ill.....	Ariz.....	Aug. 17, 1906	2,500	.....
Do.....	Albert G. Greeley... V. & D. C.	Ill.....	Minn.....	Jan. 2, 1906	.....	.....
San Pedro Sula.....	J. M. Mitchell, jr..... Agt.	N. J.....	Pa.....	Jan. 26, 1891	.....	54.00
Tegucigalpa.....	William E. Alger..... C.	Mass.....	Mass.....	Nov. 10, 1904	2,500	.....
Do.....	Benjamin D. Guilbert, V. & D. C.	Cal.....	Cal.....	Sept. 11, 1905	.....	.....
Amapala.....	William Heyden..... Agt.	Ven.....	Hond.....	April 23, 1894	.....	446.50
San Juancito.....	J. H. Weddle..... Agt.	N. Y.....	Colo.....	Mar. 13, 1905	.....	.....
Utila.....	Herbert R. Wright..... C.	Iowa.....	Iowa.....	June 15, 1905	2,000	.....
Do.....	Ben. Waskom Baker..... V. C.	Tex.....	Tex.....	Jan. 8, 1901	.....	.....
Bonacca.....	Sandy Kirkconnell..... Agt.	Hond.....	Hond.....	June 20, 1906	.....	240.00
Roatan.....	Joseph A. McBride (n)..... Agt.	Hond.....	Ala.....	June 23, 1906	.....	446.50
ITALY.						
Castellamare di Stabia....	Caspar S. Crowninshield§..... C.	France..	D. C.....	June 22, 1906	2,000	.....
Do.....	James Drinkwater... V. & D. C.	Italy.....	Italy.....	June 30, 1906	.....	.....
Capri.....	Thomas Spencer Jerome..... Agt.	Mich.....	Mich.....	Jan. 23, 1901	.....	55.50
Sorrento.....	Francesco Clampa..... Agt.	Italy.....	Italy.....	May 25, 1901	.....	480.00

* Appointed after examination under Executive order of November 10, 1905.

† Appointed after examination under Executive order of September 20, 1895.

‡ Appointed after examination under Executive order of June 27, 1906.

§ Born of American parents residing abroad.

ITALY-JAPAN.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Catania.....	.....C.					
Do.....	Jacob Ritter..... V. & D. C.	Switz.	Italy.....	April 29, 1895	\$2,000	
Florence.....	Jerome A. Quay..... C.		Pa.....	Mar. 13, 1905	3,500	
Do.....	Spirito Bernardi..... V. & D. C.	Italy.....	Italy.....	Mar. 3, 1883		
Bologna.....	Carlo Gardini..... Agt.	Italy.....	Italy.....	June 3, 1881		\$1,484.00
Genoa.....	David R. Birch.....	Pa.....	Pa.....	April 29, 1907	3,500	
Do.....	Frederico Scerri..... V. C.	Italy.....	Italy.....	Dec. 10, 1883		
Do.....	Angelo Boragino (n)..... D. C.	Italy.....	Cal.....	Aug. 9, 1901		
San Remo.....	Albert Ameglio..... Agt.	Italy.....	Italy.....	Nov. 27, 1883		799.50
Leghorn.....	Ernest A. Man..... C.	Pa.....	Fla.....	June 24, 1907	3,000	
Do.....	Emilio Masi..... V. & D. C.	Italy.....	Italy.....	Oct. 14, 1889		
Cagliari.....	Alphonse Dol..... Agt.	France.....	Italy.....	June 7, 1897		17.50
Carrara.....	Ulisse Boccacci..... Agt.	Italy.....	Italy.....	Jan. 30, 1904		1,954.50
Messina.....	.....C.				2,000	
Do.....	Joseph H. Peirce..... V. & D. C.	Italy.....	Italy.....	Dec. 10, 1900		
Reggio, Calabria.....	Nicola Siles..... Agt.	Italy.....	Italy.....	April 22, 1907		220.00
Milan.....	James E. Dunning*..... C.	Me.....	Me.....	April 11, 1905	2,500	
Do.....	Ernest Santi..... V. & D. C.		Italy.....	June 4, 1907		
Naples.....	A. Homer Byington*..... C.	N. Y.....	Conn.....	July 27, 1897	4,000	
Do.....	Homer M. Byington..... V. & D. C.	D. C.....	Conn.....	Sept. 19, 1900		
Do.....	Zefirino G. Massimino..... D. C.	Italy.....	Italy.....	May 8, 1903		
Do.....	Homer M. Byington..... C. C.	D. C.....	Conn.....	Mar. 31, 1903	1,000	
Bari.....	.....Agt.					901.00
Palermo.....	William H. Bishop..... C.	Conn.....	Conn.....	Dec. 13, 1904	3,500	
Do.....	Giovanni Paterniti..... V. & D. C.	Italy.....	Italy.....	Oct. 26, 1900		
Rome.....	Hector de Castro (n)..... C. G.	Turkey.....	N. Y.....	June 28, 1897	4,500	
Do.....	Charles M. Wood..... V. & D. C. G.	Vt.....	Vt.....	Feb. 12, 1884		
Do.....	Aristodemo Raggl..... D. C. G.	Italy.....	Italy.....	Nov. 12, 1906		
Do.....	Charles M. Wood..... C. C.	Vt.....	Vt.....	Mar. 24, 1873	1,200	
Turin.....	Albert H. Michelson..... C.	Md.....	Mass.....	Jan. 29, 1906	2,000	
Do.....	Hugo Pizzotti..... V. C.	Malta.....	Italy.....	Aug. 19, 1895		
Venice.....	.....C.				2,000	
Do.....	Alexander Thayer..... V. & D. C.	Mass.....	Mass.....	Sept. 5, 1902		
JAPAN.						
Dalny, Manchuria.....	Roger S. Greene..... C.	Mass.....	Mass.....	Mar. 30, 1907	3,500	
Do.....	Charles Lyon Chandler..... V. C.	Mass.....	Mass.....	Mar. 20, 1907		
Do.....	Charles Lyon Chandler, Stud. Int.	Mass.....	Mass.....	Oct. 18, 1906	1,000	
Kobe.....	Hunter Sharp..... C.	N. C.....	N. C.....	Mar. 10, 1905	5,000	
Do.....	Walter Gassett..... V. & D. C.	Mass.....	Hawaii.....	Nov. 29, 1905		
Do.....	Walter Gassett..... Int.	Mass.....	Hawaii.....	Nov. 29, 1905	1,800	
Nagasaki.....	George H. Scidmore..... C.	Iowa.....	Wis.....	Mar. 30, 1907	3,500	
Do.....	Carleton Miller..... V. & D. C.	Iowa.....	Iowa.....	May 13, 1907		
Do.....	Carleton Miller..... Int.	Iowa.....	Iowa.....	May 13, 1907	1,200	
Seoul, Korea.....	Thomas Sammons..... C. G.	N. Y.....	Wash.....	Mar. 30, 1907	5,500	
Do.....	Gordon Paddock..... V. C. G.	N. Y.....	N. Y.....	July 17, 1906		
Do.....	.....Int.				500	

* Appointed after examination under Executive order of September 20, 1895.

LIST OF CONSULAR OFFICERS

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JAPAN-MEXICO.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Tamsui, Formosa.....	Julian H. Arnold..... C.	Cal.....	Cal.....	June 22, 1906	\$3,000	.....
Do.....	G. Padgett Tayler..... V. & D. C.	England	Formosa	June 13, 1907	.....	.....
Yokohama.....	Henry B. Miller..... C. G.	Ohio.....	Oreg.....	Mar. 8, 1905	6,000	.....
Do.....	Elwood G. Babbitt, V. & D. C. G.	Ohio.....	Mass.....	July 7, 1906	.....	.....
Do.....	Henry P. Pratt..... D. C. G.	Mass.....	Mass.....	May 20, 1907	.....	.....
Do.....	Elwood G. Babbitt..... Int.	Ohio.....	Mass.....	July 6, 1906	1,800	.....
Hakodate.....	Edward Julian King..... Agt.	N. Y.....	N. Y.....	Mar. 2, 1904	.....	\$163.08
KONGO, INDEPENDENT STATE OF.						
Boma.....	James A. Smith..... C. G.	Mich.....	Vt.....	Mar. 30, 1907	4,500	.....
Do.....	Lucien Memminger, V. & D. C. G.	Fla.....	S. C.....	April 3, 1907	.....	.....
Do.....	Lucien Memminger..... C. C.	Fla.....	S. C.....	Mar. 30, 1907	.....	.....
LIBERIA.						
Monrovia.....	Ernest Lyon (n)..... † C. G.	Hond.....	Md.....	Mar. 16, 1903	5,000	.....
Do.....	A. P. Camphor..... V. C. G.	La.....	La.....	Sept. 12, 1903	.....	.....
MEXICO.						
Acapulco, Guerrero.....	..... C.	.....	.....	.....	2,500	.....
Do.....	Fred M. Hummel..... V. C.	N. Y.....	Tex.....	Aug. 17, 1906	.....	.....
Salina Cruz.....	Warren W. Rich..... V. C.	N. Y.....	N. Y.....	July 12, 1907	.....	.....
Aguascalientes, Aguascalientes.	Walter D. Shaughnessy..... C.	Utah.....	Utah.....	April 9, 1907	2,000	.....
Do.....	Frank T. Anderson..... V. & D. C.	Utah.....	Colo.....	June 30, 1906	.....	.....
Chihuahua, Chihuahua.....	Luther T. Ellsworth..... C.	Ohio.....	Ohio.....	Mar. 30, 1907	2,500	.....
Do.....	Charles M. Leonard (n), V. & D. C.	N. B.....	N. Y.....	Sept. 29, 1902	.....	.....
Parral.....	James J. Long..... Agt.	Pa.....	Pa.....	April 1, 1895	.....	649.00
Ciudad Juarez, Chihuahua.....	Thomas D. Edwards*..... C.	N. Y.....	S. Dak.....	June 30, 1905	2,500	.....
Do.....	John W. Gourley..... V. & D. C.	.....	Tex.....	April 11, 1907	.....	.....
Ciudad Porfirio Diaz, Coahuila.....	Lewis A. Martin*..... C.	W. Va.....	W. Va.....	July 18, 1901	2,500	.....
Do.....	John A. Bonnet (n)..... V. & D. C.	Ger.....	Tex.....	Aug. 26, 1904	.....	.....
Sierra Mojada.....	..... Agt.	.....	.....	.....	.....	.....
Durango, Durango.....	Charles M. Freeman..... C.	Me.....	N. H.....	Mar. 30, 1907	2,000	.....
Do.....	Walter C. Bishop..... V. & D. C.	Kans.....	Kans.....	Dec. 19, 1902	.....	.....
Torreón.....	George C. Carothers..... Agt.	Tex.....	Tex.....	Jan. 8, 1902	.....	699.00
Ensenada, Lower Californ.	Everett E. Bailey..... C.	Ill.....	Ill.....	May 22, 1900	2,000	.....
Do.....	James Moorkens..... V. C.	Belgium.....	Mex.....	July 20, 1907	.....	.....
Hermosillo, Sonora.....	Louis Hostetter*..... C.	N. Y.....	Nebr.....	May 1, 1905	2,000	.....
Do.....	Robt. S. Van R. Gutman, V. & D. C.	N. Y.....	N. Y.....	Aug. 24, 1905	.....	.....
Alamos.....	Charles A. Hardy..... Agt.	Conn.....	Mass.....	Mar. 30, 1905	.....	.....
Guaymas.....	Charles D. Taylor..... Agt.	N. Y.....	N. Y.....	Oct. 11, 1906	.....	\$852.00
Jalapa, Veracruz.....	John B. Richardson..... C.	Vt.....	Kans.....	Mar. 23, 1905	2,000	.....
Do.....	William K. Boone..... V. & D. C.	Ohio.....	Ohio.....	Jan. 30, 1906	.....	.....

* Appointed after examination under Executive order of September 20, 1895.

† Appointed after examination under Executive order of June 27, 1906.

‡ The Consul-General is also Minister Resident.

§ Incomplete returns.

MEXICO—MOROCCO.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
La Paz, Lower California.	George B. McGoogan*.....C.	Ind.....	Ind.....	June 27, 1906	\$2,000	
Do.....	William Silver.....V. C.	Cal.....	Cal.....	Jan. 19, 1907		
Manzanillo, Colima.....	Carl F. Deichman†.....C.	Mo.....	Mo.....	Mar. 30, 1907	2,000	
Do.....	Richard M. Stadden. V. & D. C.	Ill.....	Fla.....	Oct. 11, 1906		
Matamoros, Tamaulipas.	P. Merrill Griffith.....C.	Ohio.....	Ohio.....	May 31, 1898	2,500	
Do.....	J. Bielenberg (n).....V. C.	Den.....	La.....	June 1, 1893		
Mazatlan, Sinaloa.....	Louis Kaiser (n).....C.	Ger.....	Ill.....	April 1, 1898	2,500	
Do.....	Gustavus A. Kaiser (n), V. & D. C.	Ger.....	Ill.....	Dec. 9, 1899		
Topolobampo.....	John G. Dawkins.....Agt.	England	Mexico.	Oct. 3, 1905		||\$46.00
Mexico, Mexico.....	Alfred L. M. Gottschalk.....C. G.	N. Y.....	N. Y.....	Dec. 20, 1905	6,000	
Do.....	Albert de Baer.....V. & D. C. G.	La.....	Mich.....	Sept. 15, 1906		
Guadalajara.....	William B. Davis.....Agt.	Tex.....	Colo.....	Dec. 3, 1904		557.50
Guanajuato.....	Dwight Furness.....Agt.	Ind.....	Mexico.	Dec. 9, 1889		173.00
Oaxaca.....	Charles H. Arthur.....Agt.	Mo.....	Mo.....	Aug. 15, 1899		229.50
Puebla.....	William M. Chamberst.....Agt.	Colom.....	Pa.....	April 5, 1907		863.00
Zacatecas.....	Ralph J. Ramer.....Agt.	Mo.....	Okla.....	Dec. 11, 1906		71.00
Monterey, Nueva Leon.....	Phillip C. Hanna.....C. G.	Iowa.....	Iowa.....	Nov. 1, 1899	3,500	
Do.....	T. Ayres Robertson, V. & D. C. G.	Mo.....	Mo.....	Feb. 8, 1905		
Victoria.....	William J. Storms.....Agt.	N. Y.....	N. Y.....	Oct. 12, 1898		45.00
Nogales, Sonora.....	.....C.	.....	.....	.....	2,500	
Do.....	.....V. & D. C.	.....	.....	.....
Cananea.....	J. B. Breathitt.....Agt.	Ky.....	Aris.....	Aug. 13, 1906		2,708.80
Nuevo Laredo, Tamaulipas	Alonzo B. Garrett§.....C.	W. Va.....	W. Va.....	Sept. 21, 1901	2,500	
Do.....	James G. Burr.....V. & D. C.	Kans.....	Tex.....	Dec. 5, 1903		
Progreso, Yucatan.....	Edward H. Thompson.....C.	Mass.....	Mass.....	June 25, 1897	2,000	
Do.....	John M. Gilkey.....V. & D. C.	Ark.....	Pa.....	June 24, 1901		
Campeche.....	Rafael Ramirez.....Agt.	Mexico.....	Mexico.....	May 7, 1907		227.00
Laguna de Terminos.....	Robert S. Boyd.....Agt.	Ga.....	Ga.....	Sept. 6, 1906		285.75
Saltillo, Coahuila.....	Victor L. Duhalme (n)§.....C.	Canada.....	N. H.....	Dec. 11, 1903	2,000	
Do.....	Thomas N. Jefferis.....V. C.	Pa.....	Pa.....	Sept. 20, 1902		
Tampico, Tamaulipas.....	.....C.	.....	.....	.....	3,000	
Do.....	Neill E. Pressly.....V. C.	S. C.....	N. C.....	Feb. 8, 1882		
San Luis Potosi.....	Sewall E. Cross.....Agt.	Me.....	Me.....	Oct. 30, 1901		1,367.47
Tuxpam, Veracruz.....	Alphonse J. Lespinasse.....C.	N. Y.....	N. Y.....	Jan. 28, 1902	2,000	
Do.....	.....V. C.	.....	.....	.....
Veracruz, Veracruz.....	William W. Canada.....C.	Ind.....	Ind.....	June 7, 1897	4,500	
Do.....	Ernesto Lux.....V. & D. C.	Ger.....	Mexico.	Nov. 28, 1903		
Coatzacoalcas.....	Alfred Roland Stubbs.....Agt.	N. Y.....	N. Y.....	Oct. 9, 1901		458.98
Frontera.....	.....Agt.	.....	.....	.....		512.23
Tlacotalpan.....	.....Agt.	.....	.....	.....		221.00
MOROCCO.						
Tangier.....	Hoffman Philip.....C. G.	D. C.....	N. Y.....	Jan. 11, 1906	3,500	
Do.....	Philip Bayard. V. & D. C. G.	.....	Del.....	Oct. 10, 1906		
Do.....	.....Int.	.....	.....	.....	800	
Casa Blanca.....	Conrad H. Toel.....Agt.	Ger.....	Morocco	June 24, 1904		135.00
Mogador.....	George Broome.....Agt.	England	Morocco	Sept. 17, 1891		237.50

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‡ Born of American parents residing abroad.

§ Appointed after examination under Executive order of September 10, 1895.

|| Incomplete returns.

LIST OF CONSULAR OFFICERS

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NETHERLANDS AND DOMINIONS—OMAN.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
NETHERLANDS AND DOMINIONS.						
Amsterdam	Henry H. Morgan	C. La.	La.	April 20, 1907	\$4,500	
Do	August S. Docen	V. & D. C. Neth.	Neth.	July 20, 1906		
Batavia, Java	Bradstreet S. Rairden	C. La.	Me.	Oct 10, 1900	3,000	
Do	Leopold T. Hassmann	V. C. Ger.	Java	July 7, 1902		
Macassar, Celebes	Wiebe P. de Jong	Agt. Java	Celebes	May 20, 1906		\$217.00
Padang, Sumatra	Johann Schild	Agt. Austria	Sumatra	Mar. 21, 1906		730.00
Samarang	B. Caulfield-Stoker	Agt. Ireland	Java	Nov. 13, 1899		628.50
Serabaya	Benjamin N. Powell	Agt. England	Java	Oct. 20, 1897		920.50
Curacao, W. I.	Elias H. Cheney	C. N. H.	N. H.	Feb. 2, 1899	2,500	
Do	Christoffel S. Gorsira	V. C. W. I.	W. I.	June 12, 1906		
Bonaire	Gottlob W. Hellmund	Agt. Bonaire	Bonaire	Jan. 9, 1900		120.00
Rotterdam	Soren Listoe (n)	C. G. Den.	Minn.	*May 15, 1902	4,500	
Do	A. H. Voorwinden (n), V. & D. C. G.	Neth.	Md.	Sept. 2, 1902		
Do	John G. Lamont	D. C. G. N. Y.	Pa.	Oct. 8, 1903		
Flushing	Pieter F. Auer	Agt. Neth.	Neth.	Jan. 5, 1899		275.00
Luxemburg, Luxemburg	Ernest Derulle (n)	Agt. Lux.	N. Y.	Mar. 23, 1904		132.00
Schiedam	Anders C. Nelson (n)	Agt. Den.	Ill.	Aug. 13, 1901		2,686.00
NICARAGUA.						
Cape Gracias a Dios	Edwin W. Trimmer	C. N. Y.	N. Y.	June 21, 1905	2,000	
Do	William H. Seat	V. C. Tex.	Ark.	April 24, 1907		
Managua	José de Olivares†	C. Cal.	Mo.	June 23, 1906	3,000	
Do		V. C.				
Corinto	Henry H. Leonard	Agt. Ind.	Ind.	Mar. 19, 1907		1,001.00
Matagalpa	William H. De Savigny (n)	Agt. Canada	Minn.	Jan. 24, 1905		6.00
San Juan del Sur	Charles Holmann	Agt. Ger.	Nic.	April 10, 1886		172.50
San Juan del Norte	Frederick M. Ryder (n)	C. Canada	Conn.	Mar. 8, 1905	3,500	
Do	Henry A. Paton	V. & D. C. Nic.	Nic.	April 29, 1904		
Bluefields	Michael J. Clancy (n)	Agt. Ireland	Ind.	Jan. 20, 1905		946.38
NORWAY.						
Bergen	Felix S. S. Johnson	C. D. C.	N. J.	Aug. 17, 1906	2,500	
Do	Thorvald K. Beyer	V. C. Norway	Norway	April 14, 1900		
Trondhjem	Claus Berg	Agt. Norway	Norway	Sept. 24, 1898		252.50
Christiania	Henry Bordewich (n)	C. G. Norway	Minn.	May 9, 1900	3,000	
Do	Michael Alger (n)	V. C. G. Norway	Ill.	Dec. 8, 1905		
Christiansand	Berne Reinhardt	Agt. Norway	Norway	May 1, 1897		217.50
Stavanger	Bertil M. Rasmussen	C. Iowa	Iowa	June 22, 1905	2,000	
Do	C. F. Falch	V. & D. C. Norway	Norway	July 12, 1907		
OMAN.						
Maskat	William Coffin†	C. Ky.	Ky.	June 28, 1906	2,000	
Do	Mahomed Fazel	D. C. India	Oman	Jan. 10, 1893		

* Commission to take effect July 1, 1902.

† Appointed after examination under Executive order of November 20, 1905.

PANAMA—PORTUGAL AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
PANAMA.						
Colon.....	James C. Kellogg.....	C. Miss.	La.....	May 27, 1905	\$4,000	.....
Do.....	Jesse M. Hyatt.....	V. & D. C.	Md.....	May 3, 1904	.....	.....
Bocas del Tora.....	Louis F. Ryan.....	Agt.	U. S.	Dec. 14, 1905	.....	\$1,361.00
Panama.....	Arnold Shanklin.....	C. G.	Mo.....	Sept. 25, 1905	5,500	.....
Do.....	Felix Ehrman (n).....	V. C. G.	France.	Aug. 8, 1906	.....	.....
Do.....	Casper L. Dreier.....	D. C. G.	Iowa.....	April 11, 1907	.....	.....
Santiago.....	Nathaniel I. Hill.....	Agt.	U. S.	June 3, 1904	.....	.....
PARAGUAY.						
Asuncion.....	Edward J. Norton*.....	C. Minn....	Tenn....	Mar. 30, 1907	2,000	.....
Do.....	.....	V. C.	.....	.....	.....	.....
PERSIA.						
Tahriz.....	William F. Doty.....	C. N. Y.	N. J.	June 22, 1906	3,000	.....
Teheran.....	John Tyler.....	Agt.	England	Persia..	Aug. 18, 1906	.....
PERU.						
Callao.....	Samuel M. Taylor.....	C. G.	Ohio.....	Ohio.....	June 22, 1906	4,500
Do.....	C. Hamilton Jones.....	V. & D. C.	England	Peru.....	June 21, 1904	.....
Eten.....	Juan A. Loreda.....	Agt.	Peru.....	Peru.....	Jan. 11, 1907	†354.00
Mollendo.....	Enrique Meier.....	Agt.	Ger.....	Peru.....	June 2, 1893	†445.00
Paita.....	John P. Brophy.....	Agt.	Canada	Peru.....	April 26, 1907	†716.00
Salaverry.....	Cecil H. H. Caldicott.....	Agt.	England	Peru.....	Aug. 11, 1905	†330.25
Iquitos.....	Charles C. Eberhardt.....	C.	Kans....	Kans....	May 24, 1906	3,000
Do.....	Guy T. King.....	V. C.	Tex.....	Tex.....	Jan. 8, 1907	.....
PORTUGAL AND DOMINIONS.						
Funchal, Madeira.....	Maxwell Blake†.....	C.	Mo.....	Mo.....	Feb. 2, 1906	2,000
Do.....	William J. G. Reid.....	V. & D. C.	Madeira.	Madeira.	Aug. 16, 1889	.....
Lisbon.....	Louis H. Aymé.....	C. G.	N. Y.	Ill.....	May 24, 1906	3,500
Do.....	Robert H. Kinchant, V. & D. C. G.	England	Portugal	Portugal	June 30, 1906	.....
Pero.....	Antonio C. Ascensão.....	Agt.	Portugal	Portugal	May 7, 1907	497.50
Oporto.....	.....	Agt.	.....	.....	.....	1,107.50
St. Vincent, C. V. I.....	J. B. Guimaraes.....	Agt.	C. V. I.	C. V. I.	Jan. 23, 1895	285.00
Setubal.....	Alphonso H. O'Neill.....	Agt.	Portugal	Portugal	May 5, 1905	200.00
Lourenço Marquez, East Africa.....	W. Stanley Hollis.....	C.	Mass....	Mass....	Jan. 6, 1898	5,000
Do.....	Fritz Bridler.....	V. C.	Switz..	Del. Bay	Aug. 9, 1900	.....
Beira.....	.....	Agt.	.....	.....	.....	.....
St. Michael's, Azores.....	John F. Jewell.....	C.	Ill.....	Ill.....	June 22, 1906	3,000
Do.....	Wm. W. Nicholls (n).....	V. & D. C.	England	Mass....	Sept. 5, 1899	.....
Payal.....	Moyes Benarus.....	Agt.	Azores..	Azores..	June 10, 1899	120.00

* Appointed after examination under Executive order of June 27, 1906.

† Incomplete returns.

‡ Appointed after examination under Executive order of November 10, 1905.

PORTUGAL AND DOMINIONS—SERVIA.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Flores.....	James Mackay.....	Agt. Azores..	Azores..	Oct. 17, 1872	.....	\$45.50
San Jorge.....	Joaquin J. Cardozo.....	Agt. Azores..	Azores..	Jan. 7, 1879	.....	46.50
Terceira.....	Henrique de Castro.....	Agt. Azores..	Azores..	Sept. 17, 1875	.....	46.00
ROUMANIA.						
Bucharest.....	.....	†C. G.	.....	.....	\$2,000	.....
Do.....	Wm. G. Boxshall.....	V. C. G. England	Roum...	Dec. 2, 1884	.....	.....
RUSSIA.						
Batum.....	William W. Masterson.....	C. Ky.....	Ky.....	June 22, 1906	2,500	.....
Do.....	Emerio Mattievich.....	V. C. Russia..	Russia..	June 13, 1907	.....	.....
Moscow.....	Samuel Smith.....	C. N. J.....	N. J.....	July 15, 1901	2,500	.....
Do.....	Thomas Smith.....	V. C. N. J.....	N. J.....	July 26, 1901	.....	.....
Odessa.....	.....	C.	.....	.....	3,500	.....
Do.....	Alfred W. Smith§.....	V. & D. C. Russia..	Vt.....	June 19, 1906	.....	.....
Rostoff-on-Don.....	George R. Martin.....	Agt. Russia..	Russia..	Oct. 23, 1903	.....	145.00
Riga.....	Alexander Heingartner.....	C. N. Y.....	Ohio.....	June 22, 1906	2,000	.....
Do.....	Laurance Hill.....	V. & D. C. Russia..	Russia..	Jan. 24, 1907	.....	.....
St. Petersburg.....	Frank D. Hill.....	C. G. Minn.....	Minn.....	April 20, 1907	5,500	.....
Do.....	John Mueller (n).....	V. & D. C. G. Russia..	Pa.....	Jan. 12, 1904	.....	.....
Abo.....	Moritz Kramer.....	Agt. Russia..	Russia..	July 1, 1905	.....	31.50
Cronstadt.....	Peter Wigiuss.....	Agt. Sweden	Russia..	Mar. 21, 1883	.....	.....
Helsingfors, Finland.....	Victor Ek.....	Agt. Russia..	Russia..	June 30, 1906	.....	77.00
Libau.....	Hugo Smit.....	Agt. Russia..	Russia..	April 21, 1892	.....	637.00
Revel.....	Christian Rotermann.....	Agt. Russia..	Russia..	July 31, 1902	.....	35.50
Wiborg.....	C. Edwin Ekstrom.....	Agt. Russia..	Russia..	Feb. 20, 1892	.....	32.50
Vladivostok, Siberia.....	Paul Nash.....	C. N. Y.....	N. Y.....	Mar. 30, 1907	3,500	.....
Do.....	Nicholas Gray.....	V. C. Cal.....	Cal.....	Dec. 3, 1906	.....	.....
Do.....	.....	Int.	.....	.....	1,200	.....
Warsaw.....	Augustus E. Ingram.....	C. Pa.....	Cal.....	Mar. 30, 1907	2,000	.....
Do.....	Witold Fuchs.....	V. C. Ger.....	Russia..	July 22, 1903	.....	.....
SALVADOR.						
San Salvador.....	Samuel E. Magill.....	C. G. Pa.....	Ill.....	May 25, 1907	3,500	.....
Do.....	.....	V. C. G.	.....	.....	.....	.....
Acajutla.....	Frank Wager.....	Agt. Pa.....	Pa.....	May 7, 1903	.....	1,099.00
La Libertad.....	F. P. Walker.....	Agt. England	Salvad'r	Sept. 19, 1905	.....	347.00
La Union.....	Samuel F. Lord.....	Agt. N. Y.....	Cal.....	Jan. 8, 1900	.....	453.00
SERVIA.						
Belgrade.....	Maxwell K. Moorhead.....	C. Pa.....	Pa.....	June 22, 1906	2,000	.....
Do.....	Christian Vogeli.....	V. C. Switz...	Servia..	June 30, 1906	.....	.....

† The Consul-General is also Secretary of Legation.

§ Born of American parents residing abroad.

SIAM-SWEDEN.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
SIAM.						
Bangkok.....	John Van A. MacMurray*, † C. G.	N. Y....	N. J....	May 10, 1907	\$2,000	.....
Do.....	James W. White..... V. C. G.	D. C....	N. Y....	Oct. 24, 1905	.....	.....
SPAIN AND DOMINIONS.						
Barcelona.....	Benjamin H. Ridgely..... C. G.	Mo.....	Ky.....	Oct. 3, 1904	5,500	.....
Do.....	H. Henderson Rider, V. & D. C. G.	Spain...	Spain...	May 3, 1902	.....	.....
Bilbao.....	Luis Karakadze (n)..... Agt.	Turkey	N. Y....	Nov. 2, 1906	.....	\$884.00
Corunna.....	Enrique Fraga..... Agt.	Spain...	Spain...	Nov. 7, 1906	.....	330.00
Palma de Mallorca.....	Lorenzo Roses y Siragusa..... Agt.	P. R....	Spain...	May 11, 1907	.....	.....
San Feliu de Guixols.....	Francis Bsteva (n)..... Agt.	Spain...	La.....	Oct. 19, 1899	.....	1,041.00
Santander.....	Faustino Odriozola..... Agt.	Spain...	Spain...	April 18, 1900	.....	326.06
Tarragona.....	Louis J. Agostini (n)..... Agt.	Italy...	Cal.....	Oct. 19, 1899	.....	615.00
Vigo.....	Enrique Mulder..... Agt.	Neth....	Spain...	April 18, 1900	.....	661.00
Jeres de la Frontera.....	Hilary S. Brunot..... C.	Pa.....	Pa.....	Nov. 1, 1906	2,500	.....
Do.....	Emanuel W. Fernandez, V. & D. C.	Gibral...	.....	April 11, 1907	.....	.....
Madrid.....	..... C.	.....	.....	.....	2,500	.....
Do.....	Maddin Summers..... V. C.	Tenn....	Tenn....	Feb. 16, 1905	.....	.....
Do.....	José Maria Gay..... D. C.	P. I....	P. I....	May 10, 1907	.....	.....
Do.....	Maddin Summers..... C. C.	Tenn....	Tenn....	July 27, 1899	1,200	.....
Malaga.....	Charles M. Caughy..... C.	Md.....	Md.....	April 20, 1907	3,000	.....
Do.....	Thomas R. Geary..... V. C.	Spain...	Spain...	July 3, 1899	.....	.....
Do.....	Albert S. Troughton..... D. C.	Spain...	Spain...	Jan. 5, 1903	.....	.....
Almeria.....	Algar E. Carleton..... Agt.	Vt.....	Vt.....	May 11, 1899	.....	1,846.50
Seville.....	Louis J. Rosenberg (n)*..... C.	Russia...	Mich....	June 28, 1906	3,000	.....
Do.....	Charles Karminski... V. & D. C.	Ger.....	Spain...	Aug. 26, 1905	.....	.....
Cadiz.....	Antonio J. Bensusan..... Agt.	Spain...	Spain...	June 21, 1904	.....	676.79
Huelva.....	William J. Alcock..... Agt.	Ireland	Spain...	April 4, 1901	.....	899.00
Port St. Mary's.....	George M. Daniel..... Agt.	England	Spain...	April 7, 1905	.....	1,346.50
Teneriffe, Canary Islands.....	Solomon Berliner..... C.	N. Y....	N. Y....	July 18, 1899	2,500	.....
Do.....	Robert C. Griffiths..... V. C.	Wales...	Can. Isl.	Jan. 11, 1900	.....	.....
Grand Canary.....	Peter Swanston..... Agt.	Can. Isl.	Can. Isl.	Jan. 11, 1900	.....	669.33
La Palma.....	Manuel Yanes..... Agt.	Can. Isl.	Can. Isl.	Jan. 11, 1900	.....	251.07
Valencia.....	Charles S. Winans..... C.	N. Y....	Mich....	Mar. 30, 1907	2,500	.....
Do.....	Joseph L. Byrne..... V. & D. C.	Ireland	Spain...	June 19, 1900	.....	.....
Alicante.....	Henry W. Carey..... Agt.	Spain...	Spain...	Feb. 25, 1905	.....	522.50
Carthage.....	Alexander J. Marks..... Agt.	Spain...	Spain...	Aug. 30, 1906	.....	484.00
Denia.....	Luis Tono..... Agt.	Spain...	Spain...	Nov. 2, 1906	.....	460.00
SWEDEN.						
Gothenburg.....	..... C.	.....	.....	.....	2,500	.....
Do.....	Carl W. B. Lindquist... V. & D. C.	Sweden	Sweden	July 19, 1902	.....	.....
Malmo.....	Hugo Lindgren..... Agt.	Sweden	Sweden	Nov. 7, 1903	.....	646.33
Stockholm.....	Edward L. Adams..... C. G.	N. Y....	N. Y....	June 23, 1906	3,500	.....
Do.....	Axel Georgii..... V. C. G.	Sweden	Sweden	Aug. 1, 1905	.....	.....
Do.....	Carl E. A. Friberg (n)..... D. C. G.	Sweden	Minn....	Aug. 1, 1905	.....	.....
Sundsvall.....	Victor Svensson..... Agt.	Sweden	Sweden	July 8, 1898	.....	32.30

* Appointed after examination under Executive order of November 10, 1905.

† The Consul-General is also Secretary of Legation.

SWITZERLAND—TURKEY AND DOMINIONS.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
SWITZERLAND.						
Basel.....	George Gifford.....C.	Me.....	Me.....	Jan. 11, 1884	\$3,500	.....
Do.....	Samuel Hollinger.....V. & D. C.	Switz.	Switz.	Jan. 2, 1897	.....	.....
Berne.....	James Jeffrey Roche (n).....C.	Ireland	Mass.	April 29, 1907	3,500	.....
Do.....	Leo J. Frankenthal.....V. & D. C.	Mass.	Mass.	Mar. 13, 1900	.....	.....
Chaux-de-Fonds.....	Ernest L. Phillips.....Agt.	Pa.	Ill.	Nov. 10, 1905	.....	\$2,247.00
Geneva.....	Francis B. Keene.....C.	Wis.	Wis.	Mar. 23, 1905	3,500	.....
Do.....	Louis H. Munier.....V. & D. C.	Switz.	Switz.	May 10, 1899	.....	.....
Vevey.....	Theodore P. Dwight.....Agt.	N. Y.	Mass.	Mar. 28, 1904	.....	1,412.00
Lucerne.....	Robert E. Mansfield.....C.	Iowa	Ind.	June 22, 1906	3,500	.....
Do.....	Julius Hartmann.....V. & D. C.	Switz.	Switz.	July 31, 1902	.....	.....
Aarau.....	.....Agt.	.....	.....	.....	.....	1,665.50
St. Gall.....	Silas C. McFarland.....C. G.	Iowa	Iowa	Mar. 30, 1907	4,500	.....
Do.....	Hernando de Soto*, V. & D. C. G.	Ger.	Cal.	May 22, 1907	.....	.....
Do.....	Hernando de Soto*, C. C.	Ger.	Cal.	Feb. 7, 1902	1,000	.....
Zurich.....	Adam Lieberknecht (n).....C.	Ger.	Ill.	July 17, 1897	3,500	.....
Do.....	Joseph Simon (n).....V. & D. C.	Ger.	Mo.	July 28, 1904	.....	.....
Winterthur.....	Hermann Gruebier.....Agt.	Switz.	Switz.	Oct. 10, 1901	.....	858.50
TURKEY AND DOMINIONS.						
Alexandretta, Syria.....	Jesse B. Jackson†.....C.	Ohio	Ohio	Mar. 17, 1905	2,500	.....
Do.....	David Lorimer.....V. C.	Scotland	Syria	July 1, 1903	.....	.....
Do.....	Lorenzo Y. Manachy.....Int.	Turkey	Turkey	Feb. 25, 1905	400	.....
Aleppo.....	Frederick Poché.....Agt.	Austria	Syria	July 24, 1873	.....	315.00
Mersine.....	John Debbas.....Agt.	Turkey	Turkey	Jan. 23, 1907	.....	128.50
Bagdad.....	William C. Magelssen.....C.	Minn.	Minn.	June 22, 1906	2,000	.....
Do.....	Albert E. C. Bird.....V. C.	Japan	Turkey	June 19, 1907	.....	.....
Bassorah.....	Henry P. Chalk.....Agt.	England	Turkey	July 5, 1904	.....	184.00
Beirut, Syria.....	Gabriel Bie Ravndal (n).....C. G.	Norway	S. Dak.	June 22, 1906	4,500	.....
Do.....	George Sverdrup, jr., V. & D. C. G.	Minn.	Minn.	Feb. 14, 1907	.....	.....
Damascus.....	Nasif Meshaka.....Agt.	Syria	Syria	April 22, 1870	.....	451.50
Haifa.....	Theodore J. Struve.....Agt.	N. Y.	N. Y.	Mar. 21, 1906	.....	55.00
Tripoli.....	Ira Harris.....Agt.	N. Y.	N. Y.	Mar. 3, 1899	.....	91.00
Cairo, Egypt.....	Lewis M. Iddings.....C. G.	Ohio	N. Y.	Mar. 23, 1905	6,500	.....
Do.....	Norman Morrison.....V. & D. C. G.	England	Egypt	May 21, 1907	.....	.....
Alexandria.....	E. Alexander Powell.....Agt.	N. Y.	N. Y.	Jan. 28, 1907	2,000.00	.....
Assiout.....	George Wissa Bey.....Agt.	Egypt	Egypt	June 25, 1903	.....	.....
Port Said.....	Harry Broadbent.....Agt.	England	Egypt	Nov. 17, 1900	.....	592.50
Suez.....	Frederick T. Peake.....Agt.	England	Egypt	July 29, 1905	.....	493.00
Constantinople.....	Edward H. Ozmun.....C. G.	Minn.	Minn.	June 22, 1906	6,000	.....
Do.....	William Smith-Lyte, V. & D. C. G.	Turkey	Turkey	June 2, 1902	.....	.....
Do.....	Oscar S. Heizer.....D. C. G.	Iowa	Iowa	May 21, 1906	.....	.....
Do.....	William Smith-Lyte.....Mar.	Turkey	Turkey	Feb. 11, 1902	11,000	.....
Do.....	Arshag K. Schmavonian.....Int.	Turkey	Turkey	April 9, 1900	1,000	.....

* Born of American parents residing abroad.

† Appointed after examination under Executive order of September 20, 1895.

‡ Incomplete returns.

§ The Consul-General is also Agent.

|| And fees.

TURKEY AND DOMINIONS—ZANZIBAR.

Place.	Name and title.	Where born.	Whence appointed.	Date of commission.	Salary.	Fees, year ending June 30, 1906.
Constantinople—Cont.	William Smith-Lyte..... Int.	Turkey	Turkey	Jan. 30, 1904		
Do.	Oscar S. Helzer..... Int.	Iowa	Iowa	May 21, 1906	\$1,500	
Dardanelles.	Frank Calvert..... Agt.	Malta	Turkey	June 10, 1874		*\$10.00
Saloniki.	Pericles H. Lazzaro..... Agt.	Turkey	Turkey	Feb. 21, 1870		*739.34
Harpur.	Evan E. Young†..... C.	Ohio	S. Dak.	Aug. 12, 1905	3,000	
Do.	Felix Margot..... V. C.	Switz.	Turkey	June 19, 1907		
Jerusalem, Syria.	Thomas R. Wallace..... C.	Pa.	Iowa	Mar. 30, 1907	3,000	
Do.	Herbert E. Clark..... V. C.	N. H.	Syria	July 30, 1887		
Jaffa.	E. Hardegg..... Agt.	Ger.	Syria	Dec. 7, 1871		*57.00
Sivas.	..... C.				2,000	
Do.	Lazaraki Jordanidis..... Int.	Turkey	Turkey	Jan. 24, 1907	800	
Smyrna.	Ernest L. Harris..... C.	Iowa	Ill.	July 25, 1906	3,500	
Do.	Ernest A. Magnifico (n)..... V. C.	Italy	Mass.	June 26, 1902		
Do.	James W. Wilkinson..... D. C.	Turkey	Turkey	Sept. 15, 1906		
Mitylene.	Michael M. Fottion..... Agt.	Russia	Turkey	Aug. 18, 1868		*2.00
Irebizond.	Milo A. Jewett†..... C.	Turkey	Mass.	Dec. 11, 1905	2,500	
Do.	Isaiah Montesanto..... V. C.	Turkey	Turkey	Aug. 18, 1906		
Do.	Isaiah Montesanto..... Int.	Turkey	Turkey	Sept. 27, 1906		
Samsoun.	William Peter..... Agt.	Switz.	Turkey	Sept. 19, 1906		*358.00
URUGUAY.						
Montevideo.	John W. O'Hara..... C.	Ind.	Ind.	Mar. 14, 1905	3,500	
Do.	James H. O'Hara..... V. & D. C.	Ind.	Ind.	Mar. 25, 1907		
VENEZUELA.						
La Guaira.	Thomas P. Moffat..... C.	N. Y.	N. Y.	Sept. 30, 1905	3,000	
Do.	Herman F. Betow..... V. C.	Minn.	Minn.	May 2, 1907		
Barcelona.	Ignacio H. Bais..... Agt.	St. Thos.	Venez.	April 11, 1881		*180.00
Caracas.	Rudolph Dolge..... Agt.	N. Y.	N. Y.	Jan. 8, 1904		957.50
Carupano.	José Blasini..... Agt.	Venez.	Venez.	July 8, 1904		*281.00
Ciudad Bolívar.	Robert Henderson..... Agt.	N. Y.	Venez.	June 26, 1893		*1,215.00
Maracaibo.	Eugene H. Plumacher (n)..... C.	Ger.	Tenn.	Feb. 12, 1883	2,500	
Do.	August Otamendi..... V. C.	Curaçao.	Venez.	June 1, 1907		
Do.	F. B. Shemel, Jr..... D. C.	Venez.	Venez.	July 8, 1907		
Coro.	Josiah L. Senior..... Agt.	Curaçao.	Venez.	Aug. 22, 1891		231.50
Tovar.	Wilhelm J. H. Muché..... Agt.	Ger.	Venez.	Feb. 15, 1898		
Valera.	..... Agt.					
Puerto Cabello.	James W. Johnson§..... C.	Fla.	N. Y.	Mar. 29, 1906	2,000	
Do.	Edmond A. Burrill..... V. & D. C.	D. C.	D. C.	Aug. 1, 1906		
ZANZIBAR.						
Zanzibar.	..... C.				2,500	
Do.	Amos L. Sarie..... V. C.	R. I.	R. I.	Oct. 6, 1906		

* Incomplete returns.

† Appointed after examination under Executive order of September 20, 1895.

‡ Born of American parents residing abroad.

§ Appointed after examination under Executive order of November 10, 1905.

LIST OF CONSULAR OFFICERS

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CONSULAR CLERKS.

Place.	Name.	Where born.	Whence appointed.	Date of commission.	Compensation.
Rome.....	Charles M. Wood.....	Vt.....	Vt.....	Mar. 24, 1873	\$1,800
London.....	Richard Westacott.....	Mass.....	Mass.....	Nov. 21, 1898	1,800
Paris.....	Dean B. Mason.....	Ohio.....	Ohio.....	June 8, 1899	1,800
Madrid.....	Maddin Summers.....	Tenn.....	Tenn.....	July 27, 1899	1,800
St. Gall.....	Hernando de Soto*.....	Ger.....	Cal.....	Feb. 7, 1902	1,600
Berlin.....	Frederic W. Cauldwell.....	N. Y.....	D. C.....	Mar. 30, 1903	1,400
Naples.....	Homer M. Byington.....	D. C.....	Conn.....	Mar. 31, 1903	1,400
Berlin.....	John W. Dye.....	Minn.....	Minn.....	July 21, 1906	1,000
Paris.....	Milton B. Kirk.....	Ill.....	Ill.....	Mar. 30, 1907	1,000
Boma.....	Lucien Memminger.....	Fla.....	S. C.....	Mar. 30, 1907	1,000

STUDENT INTERPRETERS IN CHINA.

Shanghai.....	Frederick D. Cloud.....	Ind.....	Iowa.....	Aug. 7, 1902	\$1,000
Tientsin.....	Charles L. L. Williams.....	Ohio.....	Ohio.....	Mar. 17, 1903	1,000
Canton.....	Hubert G. Baugh (n).....	India.....	Cal.....	Dec. 22, 1904	1,000
Shanghai.....	George Hamilton Butler.....	Me.....	N. Y.....	April 10, 1905	1,000
Peking.....	Willys R. Peck*.....	China.....	Cal.....	Oct. 8, 1906	1,000
Do.....	John I. Viney (n).....	England.....	Va.....	Oct. 8, 1906	1,000

STUDENT INTERPRETERS IN JAPAN.

Dalny.....	Charles L. Chandler.....	Mass.....	Mass.....	Oct. 8, 1906	\$1,000
Tokyo.....	Adolph A. Williamson.....	D. C.....	D. C.....	Oct. 8, 1906	1,000
Do.....	John K. Caldwell.....	Ohio.....	Ky.....	Oct. 8, 1906	1,000

* Born of American parents residing abroad.

OFFICIAL DOCUMENTS

NEWFOUNDLAND FISHERIES.

Diplomatic Correspondence between the United States and Great Britain leading up to the conclusion of the Modus Vivendi of October 6-8, 1906. (The Modus Vivendi of 1906 was published in the January Supplement, p. 27.) Modus Vivendi of September 4-6, 1907.

The Secretary of State to the British Ambassador.

No. 336.]

DEPARTMENT OF STATE,

WASHINGTON, *October 19, 1905.*

EXCELLENCY: Mr. Gardner, the Representative in Congress of the Gloucester district, has placed in my hands a number of dispatches received by him from masters of American vessels now on the Newfoundland coast. These dispatches are answers to inquiries sent by him upon my request for the purpose of ascertaining definitely, if possible, what is the precise difficulty there.

These dispatches agree in the statement that vessels of American registry are forbidden to fish on the treaty coast. One captain says that he was informed that he could not fish by the inspector of the revenue protection service of Newfoundland, and several of them that they had been ordered not to take herring by the collector of customs at Bonne Bay, Newfoundland.

It would seem that the Newfoundland officials are making a distinction between two classes of American vessels. We have vessels which are registered and vessels which are licensed to fish and not registered. The license carries a narrow and restricted authority; the registry carries the broadest and most unrestricted authority. The vessel with a license can fish, but cannot trade; the registered vessels can lawfully both fish and trade. The distinction between the two classes in the action of the Newfoundland authorities would seem to have been implied in the dispatch from Senator Lodge which I quoted in my letter of the 12th, and the imputation of the prohibition to the Minister of Marine and Fisheries may, perhaps, have come from the port officers in conversation with the masters of American vessels, giving him as their authority for their prohibitions.

As the buying of herring and bait fish, which until recently has been permitted for a good many years in Newfoundland, is trading, the American fishing fleet have come very generally to take an American registry, instead of confining themselves to the narrower fishing license, and far the greater part of the fleet now in northern waters consists of registered vessels. The prohibition against fishing under an American register substantially bars the fleet from fishing. American vessels have also apparently been in the habit of entering at the Newfoundland custom-houses and applying for a Newfoundland license to buy or take bait, and I gather from all the information I have been able to get that both the American masters and the customs officials have failed to clearly appreciate the different conditions created by the practical withdrawal of all privileges on the part of Newfoundland, and the throwing of the American fishermen back upon the bare rights which belong to them under the Treaty of 1818.

I am confident that we can reach a clear understanding regarding those rights and the essential conditions of their exercise, and that a statement of this understanding to the Newfoundland Government for the guidance of its officials on the one hand, and to our American fisherman for their guidance on the other, will prevent causeless injury and possible disturbances such as have been cause for regret in the past history of the northeastern fisheries.

I will try to state our view upon the matters involved in the situation which now appears to exist upon the treaty coast. We consider that —

1. Any American vessel is entitled to go into the waters of the treaty coast and take fish of any kind.

She derives this right from the treaty (or from the conditions existing prior to the treaty and recognized by it), and not from any permission or authority proceeding from the Government of Newfoundland.

2. An American vessel seeking to exercise the treaty right is not bound to obtain a license from the Government of Newfoundland, and, if she does not purpose to trade as well as fish, she is not bound to enter at any Newfoundland custom-house.

3. The only concern of the Government of Newfoundland with such a vessel is to call for proper evidence that she is an American vessel, and therefore entitled to exercise the treaty right, and to have her refrain from violating any laws of Newfoundland not inconsistent with the treaty.

4. The proper evidence that a vessel is an American vessel and entitled to exercise the treaty right is the production of the ship's papers of the

kind generally recognized in the maritime world as evidence of a vessel's national character.

5. When a vessel has produced papers showing that she is an American vessel, the officials of Newfoundland have no concern with the character or extent of the privileges accorded to such a vessel by the Government of the United States. No question as between a registry and license is a proper subject for their consideration. They are not charged with enforcing any laws or regulations of the United States. As to them, if the vessel is American she has the treaty right, and they are not at liberty to deny it.

6. If any such matter were a proper subject for the consideration of the officials of Newfoundland, the statement of this Department that vessels bearing an American registry are entitled to exercise the treaty right should be taken by such officials as conclusive.

If your Government sees no cause to dissent from these propositions, I am inclined to think a statement of them as agreed upon would resolve the immediate difficulty now existing on the treaty coast.

I have, however, to call your attention to a further subject, which I apprehend may lead to further misunderstanding in the near future if it is not dealt with now. That is, the purposes of the Government of Newfoundland in respect of the treatment of American fishing vessels, as exhibited in a law enacted during the past summer by the legislature of that colony under the title "An Act respecting foreign fishing vessels."

This act appears to be designed for the enforcement of laws previously enacted by Newfoundland which prohibited the sale to foreign fishing vessels of herring, caplin, squid or other bait fishes, lines, seines, or other outfits or supplies for the fishery, or the shipment by a foreign fishing vessel of crews within the jurisdiction of Newfoundland.

The act of last summer respecting foreign fishing vessels provides:

SECTION 1. Any justice of the peace, subcollector, preventive officers, fishery warden, or constable may go on board any foreign fishing vessel being within any port on the coasts of this island or hovering in British waters within three marine miles of any of the coasts, bays, creeks, or harbors in this island and may bring such foreign fishing vessel into port, may search her cargo, and may examine the master upon oath touching the cargo and voyage, and the master or person in command shall answer truly such questions as shall be put to him under a penalty not exceeding five hundred dollars. And if such foreign fishing vessel has on board any herring, caplin, squid or other bait fishes, ice, lines, seines, or other outfits or supplies for the fishery purchased within any port on the coasts of this island or within the distance of three marine miles

from any of the coasts, bays, creeks, or harbors of this island, or if the master of the said vessel shall have engaged or attempted to engage any person to form part of the crew of the said vessel in any port or on any part of the coasts of this island or has entered such waters for any purpose not permitted by treaty or convention for the time being in force, such vessel and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

SEC. 3. In any prosecution under this act the presence on board any foreign fishing vessel in any port of this island or within British waters aforesaid of any caplin, squid, or other bait fishes, of ice, lines, seines or other outfits or supplies for the fishery shall be *prima facie* evidence of the purchase of the said bait fishes and supplies and outfits within such port or waters.

It seems plain that the provisions above quoted constitute a warrant to the officers named to interfere with and violate the rights of American fishing vessels under the Treaty of 1818.

The first section authorizes any of the officers named to stop an American vessel while fishing upon the treaty coast and compel it to leave the fishing grounds, to prevent it from going to the places where the fish may be, to prevent it from departing with the fish which it may have taken, and to detain it for an indefinite period during a search of the cargo and an examination of the master under oath under a heavy penalty.

It is to be observed that this section does not require that the vessel shall have been charged with any violation of the laws of Newfoundland, or even that she shall have been suspected of having violated the laws of Newfoundland as a condition precedent to compelling it to desist from the exercise of its treaty rights, and virtually seizing it and taking it into port. In the consideration of this provision it is unnecessary to discuss any question as to the extent to which American vessels may be interfered with in the exercise of their treaty rights pursuant to judicial proceedings based upon a charge of violation of law, or even upon reasonable ground to believe that any law has been violated, for the authority for the acts authorized appears to be part of no such proceeding.

When we consider that the minor officials named in the act, invested with this extraordinary and summary power, are presumptively members of the fishing communities in competition with which American fishermen are following their calling, it is plain that in denying the right of the Government of Newfoundland to do what this section provides for we are not merely dealing with a theoretical question, but with the probability of serious injustice.

The third section of the act, above quoted in full, makes the presence

on board of an American vessel of the fish, gear — the implements necessary to the exercise of the treaty right — *prima facie* evidence of a criminal offense against the laws of Newfoundland, and it also makes the presence on board the vessel of the fish which the vessel has a right to take under the treaty *prima facie* evidence of a criminal offense under the laws of Newfoundland. This certainly cannot be justified. It is, in effect, providing that the exercise of the treaty right shall be *prima facie* evidence of a crime.

I need not argue with the Government of Great Britain that the first section of this act purports to authorize the very kind of official conduct which led to the establishment in England of the rule against unreasonable searches and seizures, now firmly imbedded in the jurisprudence of both nations. Nor need I argue that American vessels are of right entitled to have on them in the waters of the treaty coast both fish of every kind and the gear for the taking of fish, and that a law undertaking to make that possession *prima facie* proof of crime deprives them of that presumption of innocence to which all citizens of Great Britain and America are entitled. When the legislature of Newfoundland denies these rights to American fishing vessels, it imposes upon them a heavy penalty for the exercise of their rights under the treaty, and we may reasonably apprehend that this penalty will be so severe in its practical effect as to be an effectual bar to the exercise of the treaty right.

I feel bound to urge that the Government of Great Britain shall advise the Newfoundland Government that the provisions of law which I have quoted are inconsistent with the rights of the United States under the Treaty of 1818 and ought to be repealed, and that, in the meantime, and without any avoidable delay, the Governor in Council shall be requested by a proclamation, which he is authorized to issue under the eighth section of the act respecting foreign fishing vessels, to suspend the operation of the act.

There is still another phase of this subject to which I must ask your attention. I am advised that there is a very strong feeling among the Newfoundland fishermen on the treaty coast against the enforcement of the Newfoundland act prohibiting the sale of bait, and that at a recent mass meeting of fishermen at the "Bay of Islands" resolutions were adopted urging the repeal or suspension of that act, and containing the following clauses:

If our requests are not granted immediately we shall be compelled, in justice to ourselves and families, to seek other ways and means to engage with the Americans.

We would also direct the attention of His Excellency the Governor in Council to what took place in Fortune Bay a few years ago when Capt. Solomon Jacobs seined herring against the wishes of the people, and the result. If a similar occurrence should take place here, who will be responsible?

This resolution indicates the existence of still another source from which, if not controlled, may come most unfortunate results when the American fishermen proceed to the exercise of their treaty rights — that is, the Newfoundland fishermen themselves acting independently of their Government.

You are aware that for a considerable period American fishing vessels, instead of themselves taking herring, caplin, and squid upon the treaty coast, have been in the habit of buying those fish from the Newfoundland fishermen. For many of the Newfoundland fishermen this trade has been a principal means of support. That has been especially so in and about the Bay of Islands. It has been profitable to the local fishermen, and it has been for the Americans a satisfactory substitute for the exercise of their treaty right to catch the fish themselves. It is indeed not unnatural that these fishermen should struggle in every way open to them to prevent the loss of their means of support, and that if they cannot control their own Government so as to secure permission to sell herring and bait, they should seek to prevent the Americans from taking the bait, in the hope that as the result of that prevention their profitable trade may be restored. The resolution which I have quoted referring to the Fortune Bay case is a clear threat of violence to prevent the exercise of the treaty right. If the threat should be carried out it is too much to expect that some, at least, of the American fishermen will not refuse to yield to lawless force which seeks to deprive them of their rights and of their means of livelihood.

We shall do everything in our power to prevent any such collision, and we should indeed deeply deplore it, but the true and effective method of prevention plainly must be the exercise of proper control by the Government of Newfoundland over the fishermen of Newfoundland, and it seems to me that the danger is sufficiently real and imminent to justify me in asking that the Government of Great Britain shall take speedy steps to bring about the exercise of such control.

I have, etc.,

ELIHU ROOT.

The Secretary of State for Foreign Affairs to the American Ambassador to Great Britain.

No. 2993.]

FOREIGN OFFICE, *February 2, 1906.*

- YOUR EXCELLENCY: The views of the United States Government with respect to the position of affairs on the coast of Newfoundland, and to the rights of American fishing vessels in those waters under the treaty of October 20, 1818, as set forth in Mr. Root's note to His Majesty's ambassador at Washington of the 19th of October last, and in your excellency's communication of the 23d of that month, have received the serious attention of His Majesty's Government.

I have now the honor to inclose a memorandum dealing seriatim with the six propositions formulated by Mr. Root, and with his observations with regard to some of the provisions of recent Newfoundland legislation for the regulation of the fisheries.

As, owing to the prompt measures adopted and to the conciliatory spirit displayed by both Governments, the fishing season has now closed without any collision between the British and American fishermen, or the development of any such friction as was at one time anticipated, it is unnecessary to deal more particularly with the latter portion of Mr. Root's note, which was devoted to that side of the question.

I have, etc.,

[Signed] EDWARD GREY.

[INCLOSURE.]

Memorandum.

Mr. Root's note to Sir M. Durand of the 19th October, 1905, on the subject of the United States fishery in the waters of Newfoundland under the Convention of the 20th October, 1818, may be divided into three parts.

The first deals with complaints which had reached the United States Government to the effect that vessels of United States registry had been forbidden by the colonial authorities to fish on the treaty coast, the second with the provisions of "the Newfoundland foreign fishing-vessels act, 1905," and the third with the possibility of a lawless and violent interruption of the United States fishery by the inhabitants of the Bay of Islands.

The complaints referred to in the first part of Mr. Root's note were at once brought to the notice of the Government of Newfoundland, and they replied that there had been no attempt to prevent American fishermen

from taking fish. The complaints in question appear to have been based on some misunderstanding, and the subsequent course of the fishery proved that the apprehensions on the part of the United States Government to which they gave rise were, fortunately, not well founded.

His Majesty's Government, however, agree with the United States Government in thinking that inasmuch as the privileges which citizens of the United States have for many years enjoyed of purchasing bait and supplies and engaging men in Newfoundland waters have recently been withdrawn and American fishermen have consequently, in Mr. Root's words, been thrown back upon their rights under the Convention of 1818, it is desirable that a clear understanding should be reached regarding those rights and the essential conditions of their exercise, and they have accordingly given the most careful consideration to the six propositions advanced in Mr. Root's note as embodying the views of the United States Government on the subject.

They regret, however, that they are unable to record their assent to these propositions without some important qualifications.

Proposition 1 states:

Any American vessel is entitled to go into the waters of the treaty coast and take fish of any kind. She derives this right from the treaty (or from the conditions existing prior to the treaty and recognized by it), and not from any permission or authority proceeding from the Government of Newfoundland.

The privilege of fishing conceded by Article I of the Convention of 1818 is conceded, not to American vessels, but to inhabitants of the United States and to American fishermen.

His Majesty's Government are unable to agree to this or any of the subsequent propositions if they are meant to assert any right of American vessels to prosecute the fishery under the Convention of 1818 except when the fishery is carried on by inhabitants of the United States. The convention confers no rights on American vessels as such. It inures for the benefit only of inhabitants of the United States.

Proposition 2 states:

An American vessel seeking to exercise the treaty right is not bound to obtain a license from the Government of Newfoundland, and, if she does not purpose to trade as well as fish, she is not bound to enter at any Newfoundland custom-house.

His Majesty's Government agree that the Government of Newfoundland could not require that American fishermen seeking to exercise the

treaty right should take out a license from the Colonial Government. No license is required for what is a matter of right, and no such license has, His Majesty's Government are informed, been, in fact, required.

With the last part of the proposition it will be more convenient to deal in conjunction with proposition 3.

Proposition 3 states:

The only concern of the Government of Newfoundland with such a vessel is to call for proper evidence that she is an American vessel, and therefore entitled to exercise the treaty right, and to have her refrain from violating any laws of Newfoundland not inconsistent with the treaty.

It has already been pointed out that the Convention of 1818 confers no rights on American vessels as such, and that the exercise of the right of fishing under the convention is subject to the condition that the fishing is carried on by inhabitants of the United States. His Majesty's Government, however, agree that no law of Newfoundland should be enforced on American fishermen which is inconsistent with their rights under the convention.

Mr. Root's note does not give any indication of what laws of the colony would be regarded by the United States Government as inconsistent with the convention if applied to American fishermen. The opinion of His Majesty's Government on this point is as follows:

The American fishery, under Article I of the Convention of 1818, is one carried on within the British jurisdiction and "in common with" British subjects. The two Governments hold different views as to the nature of this article. The British Government consider that the war of 1812 abrogated that part of Article III of the Treaty of Peace of 1783 which continued to inhabitants of the United States "the liberty" (in the words used by Mr. Adams to Earl Bathurst in his note of the 25th September, 1815), "of fishing, and drying, and curing their fish within the exclusive jurisdiction on the North American coasts to which they had been accustomed while themselves forming a part of the British nation," and that consequently Article I of the Convention of 1818 was a new grant to inhabitants of the United States of fishing privileges within the British jurisdiction. The United States Government, on the other hand, contend that the war of 1812 had not the effect attributed to it by the British Government, and that Article I of the Convention of 1818 was not a new grant, but merely a recognition (though limited in extent) of privileges enjoyed by inhabitants of the United States prior, not only to

the war, but to the Treaty of 1783. Whichever of these views be adopted, it is certain that inhabitants of the United States would not now be entitled to fish in British North American waters but for the fact that they were entitled to do so when they were British subjects. American fishermen cannot therefore rightly claim to exercise their right of fishery under the Convention of 1818 on a footing of greater freedom than if they had never ceased to be British subjects. Nor consistently with the terms of the convention can they claim to exercise it on a footing of greater freedom than the British subjects "in common with" whom they exercise it under the convention. In other words, the American fishery under the convention is not a free but a regulated fishery, and, in the opinion of His Majesty's Government, American fishermen are bound to comply with all colonial laws and regulations, including any touching the conduct of the fishery, so long as these are not in their nature unreasonable, and are applicable to all fishermen alike. One of these regulations prohibits fishing on Sundays. His Majesty's Government have received information that several breaches of this regulation were committed by American fishermen during the past fishing season. This regulation has been in force for many years, and looking to the insignificant extent to which American fishermen have exercised their right of fishery on the treaty coast in the past, it can not be regarded as having been made with the object of restricting the enjoyment of that right. Both its reasonableness and its *bona fides* appear to His Majesty's Government to be beyond question, and they trust that the United States Government will take steps to secure its observance in the future.

As regards the treatment of American vessels from which American fishermen exercise the treaty right of fishery, His Majesty's Government are prepared to admit that, although the convention confers no rights on American vessels as such, yet since the American fishery is essentially a ship fishery, no law of Newfoundland should be enforced on American fishing vessels which would unreasonably interfere with the exercise by the American fishermen on board of their rights under the convention. The United States Government, on their part, admit in Mr. Root's note that the Colonial Government are entitled to have an American vessel engaged in the fishery refrain from violating any laws of Newfoundland not inconsistent with the convention, but maintain that if she does not purpose to trade, but only to fish, she is not bound to enter at any Newfoundland custom-house.

Mr. Root's note refers only to the question of entry inwards, but it is presumed that the United States Government entertain the same views on

the question of clearing outwards. At all events, American vessels have not only passed to the fishing grounds in the inner waters of the Bay of Islands without reporting at a colonial custom-house, but have also omitted to clear on returning to the United States. In both respects they have committed breaches of the colonial customs law, which, as regards the obligations to enter and to clear, makes no distinction between fishing and trading vessels.

His Majesty's Government regret not to be able to share the view of the United States Government that the provisions of the colonial law which impose those obligations are inconsistent with the Convention of 1818, if applied to American vessels which do not purpose to trade, but only to fish. They hold that the only ground on which the application of any provisions of the colonial law to American vessels engaged in the fishery can be objected to is that it unreasonably interferes with the exercise of the American right of fishery.

It is admitted that the majority of the American vessels lately engaged in the fishery on the western coast of the colony were registered vessels, as opposed to licensed fishing vessels, and as such were at liberty both to trade and to fish. The production of evidence of United States registration is therefore not sufficient to establish that a vessel, in Mr. Root's words, "does not purpose to trade as well as fish," and something more would seem clearly to be necessary. The United States Government would undoubtedly be entitled to complain if the fishery of inhabitants of the United States were seriously interfered with by a vexatious and arbitrary enforcement of the colonial customs laws, but it must be remembered that in proceeding to the waters in which the winter fishery is conducted American vessels must pass in close proximity to several custom-houses, and that in order to reach or leave the grounds in the arms of the Bay of Islands, on which the fishery has been principally carried on during the past season, they have sailed by no less than three custom-houses on the shores of the bay itself. So that the obligation to report and clear need not in any way have interfered with a vessel's operations. It must also be remembered that a fishery conducted in the midst of practically the only centers of population on the west coast of the colony affords ample opportunities for illicit trade, and consequently calls for careful supervision in the interests of the colonial revenue.

The provisions in question are clearly necessary for the prevention of smuggling, and His Majesty's Government are of opinion that exception cannot be taken to their application to American vessels as an unreasonable interference with the American fishery, and they entertain the strong

hope that the United States Government will, on reconsideration, perceive the correctness of this view and issue instructions accordingly for the future guidance of those in charge of American vessels.

It is, moreover, to the advantage of the American vessels engaged in the winter fishery in the Bay of Islands that they should report at a colonial custom-house. Owing to the extent and peculiar configuration of that bay, and owing to the prevalence of fogs, vessels that enter its inner waters may remain for days without the local officers becoming aware that they are on the coast unless they so report. In such circumstances it is difficult for the Colonial Government to insure to American fishermen that protection against lawless interference for which Mr. Root calls in the concluding part of his note.

His Majesty's Government desire further to invite the attention of the United States Government to the fact that certain United States vessels engaged in the fishery refused to pay light dues. This is the first time, His Majesty's Government are informed, that American vessels have refused to pay these dues, and it is presumed that the refusal is based on the denial by the Colonial Government of the trading privileges allowed in past years. His Majesty's Government, however, cannot admit that such denial entitles American vessels to exemption from light dues in the ports in which they fish. As already stated, American fishing vessels engaged in the fishery under the Convention of 1818 have no treaty status as such, and the only ground on which, in the opinion of His Majesty's Government, the application of any colonial law to such vessels can be objected to is that such application involves an unreasonable interference with the exercise of the treaty rights of the American fishermen on board. The payment of light dues by a vessel on entering a port of the colony clearly involves no such interference. These dues are payable by all vessels of whatever description and nationality other than coasting and fishing vessels owned and registered in the colony (which are on certain conditions exempt either wholly or in part). His Majesty's Government trust that in these circumstances such directions will be issued as will prevent further refusals in the future, and they would point out generally that it is the duty of all foreigners sojourning in the limits of the British jurisdiction to obey that law, and that, if it is considered that the local jurisdiction is being exercised in a manner not consistent with the enjoyment of any treaty rights, the proper course to pursue is not to ignore the law, but to obey it, and to refer the question of any alleged infringement of their treaty rights to be settled diplomatically between their Government and that of His Majesty.

Propositions 4, 5, and 6 state:

Proposition 4. The proper evidence that a vessel is an American vessel, and entitled to exercise the treaty right, is the production of the ship's papers of the kind generally recognized in the maritime world as evidence of a vessel's national character.

- Proposition 5. When a vessel has produced papers showing that she is an American vessel, the officials of Newfoundland have no concern with the character or extent of the privileges accorded to such a vessel by the Government of the United States. No question as between a registry and license is a proper subject for their consideration. They are not charged with enforcing any laws or regulations of the United States. As to them, if the vessel is American, she has the treaty right, and they are not at liberty to deny it.

Proposition 6. If any such matter were a proper subject for the consideration of the officials of Newfoundland, the statement of this Department that vessels bearing an American registry are entitled to exercise the treaty right should be taken by such officials as conclusive.

His Majesty's Government are unable to agree to these propositions, except with the reservations as to the status of American vessels under the convention already indicated, and, with reference to proposition 6, they would submit that the assurance to be given by the Department of State of the United States should be that the persons by whom the fishery is to be exercised from the American vessels are inhabitants of the United States.

In point of fact the Colonial Government have informed His Majesty's Government that they do not require an American vessel to produce a United States fishing license. The distinction between United States registration and the possession of a United States fishing license is, however, of some importance, inasmuch as a vessel which, so far as the United States Government are concerned, is at liberty both to trade and to fish naturally calls for a greater measure of supervision by the Colonial Government than a vessel fitted out only for fishing and debarred by the United States Government from trading, and information has been furnished to His Majesty's Government by the Colonial Government which shows that the proceedings of American fishing vessels in Newfoundland waters have in the past been of such a character as to make it impossible, from the point of view of the protection of the colonial revenue, to exempt such vessels from the supervision authorized by the colonial customs law.

His Majesty's Government now turn to that part of Mr. Root's note which deals with "the foreign fishing-vessels act, 1905."

His Majesty's Government would have viewed with the strongest disapproval any disposition on the part of the colonial authorities to administer this act in a manner not consistent with His Majesty's treaty obligations, but they are confident that the United States Government will readily admit that the fears expressed on this head in Mr. Root's note have not been realized.

They desire, however, to point out that, though the act in question was passed to give effect to the decision of the Colonial Government to withdraw from American fishing vessels the privileges which they had been allowed to enjoy for many years previously of purchasing bait and supplies and of engaging crews in the ports of the colony, the provisions objectionable to the United States Government which it embodies are in no sense new. They will be found in "the foreign fishing-vessels act, 1893," of which a copy is inclosed. The present act differs from the earlier act in that it takes away, by omission, from the Colonial Government the power conferred upon them by the earlier act of authorizing the issue of licenses to foreign fishing vessels for the enjoyment of the privileges mentioned. Allowing for this change, the provisions of the two acts are in all essential respects identical. The provisions as to boarding, bringing into port, and searching appear in both acts, and also the provisions as to the possession of bait, outfits, and supplies being *prima facie* evidence of the purchase of the same in the colonial jurisdiction, except that in the earlier act there was a further provision, consequential on the authority which it conferred on the Colonial Government to issue licenses, directing that the failure or refusal to produce a license should be *prima facie* evidence of the purchase of such articles without a license. The position of any American fishing vessel choosing to fish for herself on the treaty coast has consequently been since 1893 the same as it is to-day. His Majesty's Government do not advance these considerations with the object of suggesting that the objections which the United States Government have taken to sections 1 and 3 of the foreign fishing-vessels act are impaired by the fact that these provisions have been on the statute book of the colony since 1893 without protest, and they are ready to assume that no such protest has been lodged merely because the privileges accorded to American vessels in the ports of the colony up to the present have been such as to render it unnecessary for inhabitants of the United States to avail themselves of their right of fishing under the Convention of 1818. The object of His Majesty's Government is simply to remove any impression which may have formed itself in the mind of the United States Government that the

language of the act of 1905 was selected with any special view of prejudicing the exercise of the American treaty right of fishery, and to point out that, on the contrary, it dates back to 1893 — that is, to a time when it was the policy of the Colonial Government to treat American vessels on a favored footing.

- A new act was not necessary to give effect to the present policy of the Colonial Government. Effect to it could have been given under the act of 1893 by the mere suspension of the issue of licenses to American vessels, and the only object of the new act, as His Majesty's Government understand the position, was to secure the express and formal approval of the colonial legislature for the carrying out of the policy of the Colonial Government.

Having offered these general remarks, His Majesty's Government desire to point out that, in discussing the general effects of "the foreign fishing-vessels act, 1905," on the American fishery under the Convention of 1818, the United States Government confine themselves to sections 1 and 3 and make no reference to section 7,* which preserves "the rights and privileges granted by treaty to the subjects of any state in amity with His Majesty." In view of this provision, His Majesty's Government are unable to agree with the United States Government in regarding the provisions of sections 1 and 3 as "constituting a warrant to the officers named to interfere with and violate" American rights under the Convention of 1818. On the contrary, they consider section 7 as, in effect, a prohibition of any vexatious interference with the exercise of the treaty rights, whether of American or of French fishermen. As regards section 3, they admit that the possession by inhabitants of the United States of any fish and gear which they may lawfully take or use in the exercise of their rights under the Convention of 1818 can not properly be made *prima facie* evidence of the commission of an offense, and, bearing in mind the provisions of section 7, they can not believe that a court of law would take a different view.

They do not, however, contend that the act is as clear and explicit as, in the circumstances, it is desirable that it should be, and they propose to confer with the Government of Newfoundland with the object of removing any doubts which the act in its present form may suggest as to the power of His Majesty to fulfill his obligations under the Convention of 1818.

On the concluding part of Mr. Root's note it is happily not necessary

* Section 9 of the Act of 1893.

for His Majesty's Government to offer any remarks, since the fishing season has come to an end without any attempt on the part of British fishermen to interfere with the peaceful exercise of the American treaty right of fishery.

Mr. Whitelaw Reid to Sir Edward Grey.

AMERICAN EMBASSY, LONDON, *July 20, 1906.*

Sir,

THE Memorandum sent me on the 2nd of February, 1906, embodying the views of His Majesty's Government on the propositions formulated by the Secretary of State of the United States as to the rights of American fishing vessels on the Newfoundland coast, in his letter to Sir Mortimer Durand of the 19th October, 1905, has had Mr. Root's careful consideration.

He has now addressed me a letter, under date of the 30th June, 1906, giving the reasons which prevent his agreement with several of the views stated in this Memorandum. I am instructed, while communicating to you these reasons, to ask for such action as shall prevent any interference upon any ground by the officers of the Newfoundland Government with American fishermen, when they go to exercise their treaty rights upon the Newfoundland coast during the approaching fishing season.

I beg to inclose herewith a copy of this letter from the Secretary of State of the United States.

I have, etc.,

(Signed)

WHITELAW REID.

[INCLOSURE.]

The Secretary of State to the American Ambassador to Great Britain.

No. 239.]

DEPARTMENT OF STATE,

WASHINGTON, *June 30, 1906.*

SIR: The memorandum inclosed in the note from Sir Edward Grey to you of February 2, 1906, and transmitted by you on the 6th of February, has received careful consideration.

The letter which I had the honor to address to the British ambassador in Washington on the 19th of October last stated with greater detail the complaint in my letter to him of October 12, 1905, to the effect that the

- local officers of Newfoundland had attempted to treat American ships as such, without reference to the rights of their American owners and officers, refusing to allow such ships sailing under register to take part in the fishing on the treaty coast, although owned and commanded by Americans, and limiting the exercise of the right to fish to ships having
- a fishing license.

In my communications, the Government of the United States objected to this treatment of ships as such — that is, as trading vessels or fishing vessels — and laid down a series of propositions regarding the treatment due to American vessels on the treaty coast, based on the view that such treatment should depend, not upon the character of the ship as a registered or licensed vessel, but upon its being American — that is, owned and officered by Americans, and therefore entitled to exercise the rights assured by the Treaty of 1818 to the inhabitants of the United States.

It is a cause of gratification to the Government of the United States that the prohibitions interposed by the local officials of Newfoundland were promptly withdrawn upon the communication of the facts to His Majesty's Government, and that the memorandum now under consideration emphatically condemns the view upon which the action of the local officers was based, even to the extent of refusing assent to the ordinary forms of expression which ascribe to ships the rights and liabilities of owners and masters in respect of them.

It is true that the memorandum itself uses the same form of expression when asserting that American ships have committed breaches of the colonial customs law, and ascribing to them duties, obligations, omissions, and purposes which the memorandum describes. Yet we may agree that ships, strictly speaking, can have no rights or duties, and that whenever the memorandum or the letter upon which it comments speaks of a ship's rights and duties it but uses a convenient and customary form of describing the owner's or master's rights and duties in respect of the ship. As this is conceded to be essentially "a ship fishing," and as neither in 1818 nor since could there be an American ship not owned and officered by Americans, it is probably quite unimportant which form of expression is used.

I find in the memorandum no substantial dissent from the first proposition of my note to Sir Mortimer Durand of October 19, 1905, that any American vessel is entitled to go into the waters of the treaty coast and take fish of any kind, and that she derives this right from the treaty and

not from any authority proceeding from the Government of Newfoundland.

Nor do I find any substantial dissent from the fourth, fifth, and sixth propositions, which relate to the method of establishing the nationality of the vessel entering the treaty waters for the purpose of fishing, unless it be intended, by the comments on those propositions, to assert that the British Government is entitled to claim that when an American goes with his vessel upon the treaty coast for the purpose of fishing, or with his vessel enters the bays or harbors of the coast for the purpose of shelter and of repairing damages therein, or of purchasing wood, or of obtaining water, he is bound to furnish evidence that all the members of his crew are inhabitants of the United States. We can not for a moment admit the existence of any such limitation upon our treaty rights. The liberty assured to us by the treaty plainly includes the right to use all the means customary or appropriate for fishing upon the sea, not only ships and nets and boats, but crews to handle the ships and the nets and the boats. No right to control or limit the means which Americans shall use in fishing can be admitted unless it is provided in the terms of the treaty, and no right to question the nationality of the crews employed is contained in the terms of the treaty. In 1818, and ever since, it has been customary for the owners and masters of fishing vessels to employ crews of various nationalities. During all that period I am not able to discover that any suggestion has ever been made of a right to scrutinize the nationality of the crews employed in the vessels through which the treaty right has been exercised.

The language of the Treaty of 1818 was taken from the third article of the Treaty of 1783. The treaty made at the same time between Great Britain and France, the previous treaty of February 10, 1763, between Great Britain and France, and the Treaty of Utrecht, of April 11, 1713, in like manner, contained a general grant to "the subjects of France" to take fish on the treaty coast. During all that period no suggestion, so far as I can learn, was ever made that Great Britain had a right to inquire into the nationality of the members of the crew employed upon a French vessel.

Nearly two hundred years have passed during which the subjects of the French King and the inhabitants of the United States have exercised fishing rights under these grants made to them in these general terms, and during all that time there has been an almost continuous discussion, in which Great Britain and her colonies have endeavored to restrict the right to the narrowest possible limits, without a suggestion that the crews

of vessels enjoying the right, or whose owners were enjoying the right, might not be employed in the customary way without regard to nationality. I cannot suppose that it is now intended to raise such a question.

I observe with satisfaction that the memorandum assents to that part of my second proposition to the effect that "an American vessel seeking to exercise the treaty right is not bound to obtain a license from the Government of Newfoundland," and that His Majesty's Government agree that "no law of Newfoundland should be enforced on American fishermen which is inconsistent with their rights under the convention."

The views of His Majesty's Government, however, as to what laws of the colony of Newfoundland would be inconsistent with the convention if applied to American fishermen differ radically from the view entertained by the Government of the United States. According to the memorandum, the inhabitants of the United States going in their vessels upon the treaty coast to exercise the treaty right of fishing are bound to enter and clear in the Newfoundland custom-houses, to pay light dues, even the dues from which coasting and fishing vessels owned and registered in the colony are exempt, to refrain altogether from fishing except at the time and in the manner prescribed by the regulations of Newfoundland. The colonial prohibition of fishing on Sundays is mentioned by the memorandum as one of the regulations binding upon the American fishermen. We are told that His Majesty's Government "hold that the only ground on which the application of any provisions of colonial law to American vessels engaged in the fishery can be objected to is that it unreasonably interferes with the American right of fishery."

The Government of the United States fails to find in the treaty any grant of right to the makers of colonial law to interfere at all, whether reasonably or unreasonably, with the exercise of the American rights of fishery, or any right to determine what would be a reasonable interference with the exercise of that American right if there could be any interference. The argument upon which the memorandum claims that the colonial government is entitled to interfere with and limit the exercise of the American right of fishery, in accordance with its own ideas of what is reasonable, is based, first, upon the fact that under the terms of the treaty the right of the inhabitants of the United States to fish upon the treaty coast is possessed by them "in common with the subjects of His Britannic Majesty;" and, second, upon the proposition that "the inhabitants of the United States would not now be entitled to fish in British North American waters but for the fact that they were entitled to do so when they were British subjects," and that "American fishermen

can not, therefore, rightfully claim any other right to exercise the right of fishery under the Treaty of 1818 than if they had never ceased to be British subjects."

Upon neither of these grounds can the inferences of the memorandum be sustained. The qualification that the liberty assured to American fishermen by the Treaty of 1818 they were to have "in common with the subjects of Great Britain" merely negatives an exclusive right. Under the treaties of Utrecht, of 1763 and of 1783, between Great Britain and France, the French had constantly maintained that they enjoyed an exclusive right of fishery on that portion of the coast of Newfoundland between Cape St. John and Cape Raye, passing around by the north of the island. The British, on the other hand, had maintained that British subjects had a right to fish along with the French, so long as they did not interrupt them.

The dissension arising from these conflicting views had been serious and annoying, and the provision that the liberty of the inhabitants of the United States to take fish should be in common with the liberty of the subjects of His Britannic Majesty to take fish was precisely appropriate to exclude the French construction and leave no doubt that the British construction of such a general grant should apply under the new treaty. The words used have no greater or other effect. The provision is that the *liberty* to take fish shall be held in common, not that the *exercise* of that liberty by one people shall be the limit of the exercise of that liberty by the other. It is a matter of no concern to the American fishermen whether the people of Newfoundland choose to exercise their right or not, or to what extent they choose to exercise it. The statutes of Great Britain and its colonies limiting the exercise of the British right are mere voluntary and temporary self-denying ordinances. They may be repealed to-morrow. Whether they are repealed, or whether they stand, the British right remains the same, and the American right remains the same. Neither right can be increased or diminished by the determination of the other nation that it will or will not exercise its right, or that it will exercise its right under any particular limitations of time or manner.

The proposition that "the inhabitants of the United States would not now be entitled to fish in British North American waters but for the fact that they were entitled to do so when they were British subjects" may be accepted as a correct statement of one of the series of facts which led to the making of the Treaty of 1818. Were it not for that fact there would have been no fisheries article in the Treaty of 1783, no controversy between Great Britain and the United States as to whether that article

was terminated by the war of 1812, and no settlement of that controversy by the Treaty of 1818. The memorandum, however, expressly excludes the supposition that the British Government now intends to concede that the present rights of American fishermen upon the treaty coast are a continuance of the right possessed by the inhabitants of the American colonies as British subjects, and declares that this present American right is a new grant by the Treaty of 1818. How, then, can it be maintained that the limitations upon the former right continued although the right did not, and are to be regarded as imposed upon the new grant, although not expressed in the instrument making the grant? On the contrary, the failure to express in the terms of the new treaty the former limitations, if any there had been, must be deemed to evidence an intent not to attach them to the newly created right.

Nor would the acceptance by Great Britain of the American view that the Treaty of 1783 was in the nature of a partition of empire, that the fishing rights formerly enjoyed by the people of the colonies and described in the instrument of partition continued notwithstanding the war of 1812, and were in part declared and in part abandoned by the Treaty of 1818, lead to any different conclusions. It may be that under this view the rights thus allotted to the colonies in 1783 were subject to such regulations as Great Britain had already imposed upon their exercise before the partition, but the partition itself and the recognition of the independence of the colonies in the treaty of partition was a plain abandonment by Great Britain of the authority to further regulate the rights of the citizens of the new and independent nation.

The memorandum says: "The American fishermen can not rightly claim to exercise their right of fishery under the Convention of 1818 on a footing different than if they had never ceased to be British subjects." What, then, was the meaning of independence? What was it that continued the power of the British Crown over this particular right of Americans formerly exercised by them as British subjects, although the power of the British Crown over all other rights formerly exercised by them as British subjects was ended? No answer to this question is suggested by the memorandum.

In previous correspondence regarding the construction of the Treaty of 1818, the Government of Great Britain has asserted, and the memorandum under consideration perhaps implies, a claim of right to regulate the action of American fishermen in the treaty waters, upon the ground that those waters are within the territorial jurisdiction of the colony of Newfoundland. This Government is constrained to repeat emphatically its

dissent from any such view. The Treaty of 1818 either declared or granted a perpetual right to the inhabitants of the United States which is beyond the sovereign power of England to destroy or change. It is conceded that this right is, and forever must be, superior to any inconsistent exercise of sovereignty within that territory. The existence of this right is a qualification of British sovereignty within that territory. The limits of the right are not to be tested by referring to the general jurisdictional powers of Great Britain in that territory, but the limits of those powers are to be tested by reference to the right as defined in the instrument creating or declaring it. The Earl of Derby, in a letter to the governor of Newfoundland dated June 12, 1884, said: "The peculiar fisheries rights granted by treaties to the French in Newfoundland invest those waters during the months of the year when fishing is carried on in them, both by English and French fishermen, with a character somewhat analogous to that of a common sea for the purpose of fishery." And the same observation is applicable to the situation created by the existence of American fishing rights under the Treaty of 1818. An appeal to the general jurisdiction of Great Britain over the territory is, therefore, a complete begging of the question, which always must be, not whether the jurisdiction of the colony authorizes a law limiting the exercise of the treaty right, but whether the terms of the grant authorize it.

The distinguished writer just quoted observes in the same letter:

The Government of France each year during the fishing season employs ships of war to superintend the fishery exercised by their countrymen, and, in consequence of the divergent views entertained by the two Governments respectively as to the interpretation to be placed upon the treaties, questions of jurisdiction which might at any moment have become serious have repeatedly arisen.

The practice thus described, and which continued certainly until as late as the modification of the French fishing rights in the year 1904, might well have been followed by the United States, and probably would have been were it not that the desire to avoid such questions of jurisdiction as were frequently arising between the French and the English has made this Government unwilling to have recourse to such a practice so long as the rights of its fishermen can be protected in any other way.

The Government of the United States regrets to find that His Majesty's Government has now taken a much more extreme position than that taken in the last active correspondence upon the same question arising under the provisions of the Treaty of Washington. In his letter of April 3, 1880, to the American minister in London, Lord Salisbury said:

In my note to Mr. Welsh, of the 7th of November, 1878, I stated "that British sovereignty, as regards these waters, is limited in its scope by the engagements of the Treaty of Washington, which *can not* be modified or affected by any municipal legislation," and Her Majesty's Government fully admit that United States fishermen have the right of participation on the Newfoundland *inshore fisheries, in common* with British subjects, as specified in Article XVIII of that treaty. But it can not be claimed, consistently with this right of participation in common with the British fishermen, that the United States fishermen have any *other*, and still less that they have any *greater*, rights than the British fishermen had at the *date* of the treaty.

If, then, at the *date* of the signature of the Treaty of Washington certain restraints were, by the municipal law, imposed upon the *British fishermen*, the United States fishermen were, by the *express terms* of the treaty, equally subjected to those restraints, and the obligation to observe in common with the British the then existing local laws and regulations, which is implied by the words "*in common*," attached to the United States citizens *as soon* as they claim the benefit of the treaty.

Under the view thus forcibly expressed the British Government would be consistent in claiming that all regulations and limitations upon the exercise of the right of fishing upon the Newfoundland coast which were in existence at the time when the Treaty of 1818 was made are now binding upon American fishermen. Further than this His Majesty's Government can not consistently go, and further than this the Government of the United States can not go.

For the claim now asserted that the colony of Newfoundland is entitled at will to regulate the exercise of the American treaty right is equivalent to a claim of power to completely destroy that right. This Government is far from desiring that the Newfoundland fisheries shall go unregulated. It is willing and ready now, as it has always been, to join with the Government of Great Britain in agreeing upon all reasonable and suitable regulations for the due control of the fishermen of both countries in the exercise of their rights, but this Government can not permit the exercise of these rights to be subject to the will of the colony of Newfoundland. The Government of the United States can not recognize the authority of Great Britain or of its colony to determine whether American citizens shall fish on Sunday. The Government of Newfoundland can not be permitted to make entry and clearance at a Newfoundland custom-house and the payment of a tax for the support of Newfoundland light-houses conditions to the exercise of the American right of fishing. If it be shown that these things are reasonable the Government of the United States will agree to them, but it can not submit to have them

imposed upon it without its consent. This position is not a matter of theory. It is of vital and present importance, for the plain object of recent legislation of the colony of Newfoundland has been practically to destroy the value of American rights under the Treaty of 1818. Those rights are exercised in competition with the fishermen and merchants of Newfoundland. The situations of the Newfoundland fishermen residing upon the shore and making the shore their base of operations and of the American fishermen coming long distances with expensive outfits, devoting long periods to the voyage to the fishing grounds and back to the market, obliged to fish rapidly in order to make up for that loss of time, and making ships their base of operations, are so different that it is easy to frame regulations which will offer slight inconvenience to the dwellers on shore and be practically prohibitory to the fishermen from the coasts of Maine and Massachusetts, and if the grant of this competitive right is to be subject to such laws as our competitors choose to make, it is a worthless right. The premier of Newfoundland, in his speech in the Newfoundland parliament, delivered on the 12th of April, 1905, in support of the foreign fishing bill, made the following declaration:

This bill is framed specially to prevent the American fishermen from coming into the bays, harbors, and creeks of the coast of Newfoundland for the purpose of obtaining herring, caplin, and squid for fishery purposes.

And this further declaration:

This communication is important evidence as to the value of the position we occupy as mistress of the northern seas so far as the fisheries are concerned. Herein was evidence that it is within the power of the legislature of this colony to make or mar our competitors to the North Atlantic fisheries. Here was evidence that by refusing or restricting the necessary bait supply we can bring our foreign competitors to realize their dependency upon us. One of the objects of this legislation is to bring the fishing interests of Gloucester and New England to a realization of their dependence upon the bait supplies of this colony. No measure could have been devised having more clearly for its object the conserving, safeguarding, and protecting of the interest of those concerned in the fisheries of the colony.

It will be observed that there is here the very frankest possible disavowal of any intention to so regulate the fisheries as to be fair to the American fishermen. The purpose is, under cover of the exercise of the power of regulation, to exclude the American fishermen. The Government of the United States surely can not be expected to see with complacency the rights of its citizens subjected to this kind of regulation.

The Government of the United States finds assurance of the desire of His Majesty's Government to give reasonable and friendly treatment to American fishing rights on the Newfoundland coast in the statement of the memorandum that the Newfoundland foreign fishing vessels act is not as clear and explicit as, in the circumstances, it is desirable that it should be, and in the expressed purpose of His Majesty's Government to confer with the Government of Newfoundland with the object of removing any doubts which the act in its present form may suggest as to the power of His Majesty to fulfill his obligation under the Convention of 1818. It is hoped that upon this conference His Majesty's Government will have come to the conclusion, not merely that the seventh section of the act, which seeks to preserve "the rights and privileges granted by treaty to the subjects of any State in amity with His Majesty," amounts to a prohibition of any "vexatious interference" with the exercise of the treaty rights of American fishermen, but that this clause ought to receive the effect of entirely excluding American vessels from the operation of the first and third clauses of the act relating to searches and seizures and *prima facie* evidence. Such a construction by His Majesty's Government would wholly meet the difficulty pointed out in my letter of October 19, as arising under the first and third sections of the act. A mere limitation, however, to interference which is not "vexatious," leaving the question as to what is "vexatious interference" to be determined by the local officers of Newfoundland, would be very far from meeting the difficulty.

You will inform His Majesty's Government of these views and ask for such action as shall prevent any interference upon any ground by the officers of the Newfoundland Government with American fishermen when they go to exercise their treaty rights upon the Newfoundland coast during the approaching fishing season.

I am, etc.,

ELIHU ROOT.

The Earl of Elgin to Governor Sir W. MacGregor.

Sir,

DOWNING STREET, August 6, 1906.

I HAVE the honour to forward, to be laid before your Ministers, copy of a note from the United States' Ambassador at this Court, inclosing copy of a letter from Mr. Root which sets out the views of the United States' Government as to the conditions on which the rights of American fishermen under the Convention of 1818 are to be exercised.

2. Copies of the Memorandum of His Majesty's Government which Mr. Root's letter discusses were forwarded to you on the 15th February last.

3. Mr. Root's letter is engaging the careful attention of His Majesty's Government. I will communicate with you again as soon as I am in a position to state the decision to which they have come in the matter.

I have, &c.

(Signed) ELGIN.

The Earl of Elgin to Governor Sir W. MacGregor.

(Telegraphic.)

DOWNING STREET, August 8, 1906.

COPIES went to you by last mail of communication from United States' Government in which they contend that Convention of 1818 justifies no interference, reasonable or unreasonable, with exercise of American rights of fishery, and request His Majesty's Government to prevent any interference upon any ground by officers of Newfoundland Government with American fishermen when they go to exercise their Treaty rights upon the coast of Newfoundland during approaching fishing season. They disclaim desire that Newfoundland fisheries shall go unregulated, and express their readiness to join with His Majesty's Government in agreeing upon all reasonable and suitable regulations for due control of fishermen of both countries in exercise of their rights, but state that they cannot permit exercise of these rights to be subject to will of Newfoundland. Pending such an agreement, the furthest they are prepared to go is to accept such limitations as were in existence at time Convention of 1818 was concluded, and in support of this position appeal to Lord Salisbury's note to United States' Minister of the 3rd April, 1880, in connection with disturbances at Fortune Bay. Light dues were presumably not levied in 1818, seines were apparently in use, the prohibition of Sunday fishing had been abolished in 1776 (see 15 George III, cap. 31), and fishing-ships were exempted from entry at Custom-house, and required only to make a report on first arrival and on clearing (see same Act). United States' vessels could, on the basis of the *status quo* in 1818, only be asked to make report at custom-house on arrival and on clearing.

It is clear that with such a wide divergence of view between the two Governments no immediate settlement of questions involved is possible, and His Majesty's Government are of opinion that any attempt on part

of your Government to apply to American fishermen the Regulations to which exception is taken by the United States' Government while the discussion of the questions is proceeding between the two Governments might give rise to a highly undesirable and even dangerous situation, and that it is therefore essential that some Provisional Arrangement should be made to secure the peaceable conduct of the coming fishery. His Majesty's Government are therefore informing United States' Government that they are prepared, pending the further discussion of questions at issue and without prejudice to such discussion, to negotiate a Provisional Arrangement which will enable the ensuing fishery to be carried on in good order and friendship, and that they will shortly submit proposals with that object. Please report whether your Ministers have any suggestions to offer as to the nature of that Arrangement. It seems to be certain that if your Ministers press for prohibition both of seines and of Sunday fishing some concessions other than exemption from light dues and Customs law will be expected. Can any such concessions be offered? If not, there is little prospect that both points will be conceded by United States, and as greater possibility of disorder is understood to be attached to Sunday fishing, it would seem better to try and obtain assent of United States to prohibition of this practice in return for use of seines. Have your Ministers any observations as to any fair and reasonable limitations or conditions to be imposed on use of seines if this course is adopted? Telegraph reply immediately.

Modus Vivendi between the United States and Great Britain in regard to Inshore Fisheries on the Treaty Coast of Newfoundland.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES AT LONDON SEPTEMBER 4-6, 1907.

The American Ambassador to the British Foreign Office.

AMERICAN EMBASSY,

London, September 4, 1907.

SIR:—

I am authorized by my Government to ratify a *Modus Vivendi* in regard to the Newfoundland fishery question, as follows:

It is agreed that the fisheries shall be carried on during the present year substantially as they were actually carried on for the most of the time by mutual agreement, under the *Modus Vivendi* of 1906.

(1) It is understood that His Majesty's Government will not bring into force the Newfoundland foreign fishing vessels act of 1906, which imposes on American fishing vessels certain restrictions in addition to those imposed by the act of 1905, and also that the provisions of the first part of Section One of the act of 1905, as to boarding and bringing into port, and also the whole of Section three of the same act, will not be regarded as applying to American fishing vessels.

(2) In consideration of the fact that the shipment of Newfoundlanders by American fishermen outside the three-mile limit is not to be made the basis of interference or to be penalized, my Government waives the use of purse seines by American fishermen during the term governed by this agreement, and also waives the right to fish on Sundays.

(3) It is understood that American fishing vessels will make their shipment of Newfoundlanders, as fishermen, sufficiently far from the exact three-mile limit to avoid reasonable doubt.

(4) It is further understood that American fishermen will pay light dues when not deprived of their rights to fish, and will comply with the provisions of the Colonial customs law as to reporting at a custom house when physically possible to do so.

I need not add that my Government is most anxious that the provisions of this *Modus Vivendi* should be made effective at the earliest possible moment, and that, in view of this, and of the actual presence of our fishing fleet on the treaty shore, we do not feel that an exchange of ratifications should be longer delayed. But my Government has every desire to make the arrangement, pending arbitration, as agreeable as possible to the Newfoundland authorities consistent with the due safeguarding of treaty rights which we have enjoyed for nearly a century. If, therefore, the proposals you have recently shown me from the Premier of Newfoundland or any other changes in the above *Modus Vivendi* should be proposed by mutual agreement between the Newfoundland authorities and our fishermen, having due regard to the losses that might be incurred by a change of plans so long after preparations for the season's fishing had been made and the voyage begun, my Government will be ready to consider such changes with you in the most friendly spirit, and if found not to compromise our rights, to unite with you in ratifying them at once.

I am glad to be assured by you that this note will be considered as sufficient ratification of the *Modus Vivendi* on the part of my Government.

I have the honor to be, with the highest consideration, Sir, Your most obedient humble servant,

WHITELAW REID.

The Right Honorable SIR EDWARD GREY, Baronet,
&c., &c., &c.

The British Foreign Office to the American Ambassador.

FOREIGN OFFICE, *September 6th, 1907.*

YOUR EXCELLENCY. I have the honour to acknowledge the receipt of Your Excellency's note of the 4th instant, containing the terms of the *Modus Vivendi* with regard to the Newfoundland fisheries, — which you are authorized by your Government to ratify.

I am glad to assure your Excellency that His Majesty's Government agrees to the terms of the *Modus Vivendi* and that your Excellency's note will be considered by His Majesty's Government as a sufficient ratification of that arrangement on the part of His Majesty's Government.

His Majesty's Government fully shares the desire of your Government that the provisions of the *Modus Vivendi* should be made effective at the earliest possible moment, and the necessary steps will be taken by His Majesty's Government to secure its observance.

His Majesty's Government takes note of the conciliatory offer of the United States Government to consider in a most friendly spirit any changes in the *Modus Vivendi*, which may be agreed upon locally between the Newfoundland authorities and the United States fishermen and which may be acceptable both to the United States Government and to His Majesty's Government.

I have the honour to be, with the highest consideration, Your Excellency's most obedient humble servant,

E. GREY.

His Excellency The Honorable WHITELAW REID,
&c., &c., &c.

DOCUMENTS RELATING TO THE INTEGRITY OF CHINA AND THE "OPEN DOOR."

Treaty of Peace between Japan and China.

His Majesty the Emperor of China and His Majesty the Emperor of Japan, desiring to restore the blessings of peace to their countries and subjects and to remove all cause for future complications, have named as their plenipotentiaries for the purpose of concluding a treaty of peace; that is to say, His Majesty the Emperor of China, Li Hung Chang, senior tutor to the heir apparent, senior grand secretary of state, minister superintendent of trade for the northern ports of China, viceroy of the province of Chili, and earl of the first rank, and Li Ching Fong, ex-minister of the diplomatic service, of the second official rank, and His Majesty the Emperor of Japan, Count Ito Hirobumi, Junii, grand cross of the imperial order of Paulownia, minister president of state, and Viscount Mutsu Munemitsu, Junii, first class of the imperial order of the second treasure, minister of state for foreign affairs, who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following articles:

ARTICLE I.

China recognizes definitely the full and complete independence and autonomy of Corea, and in consequence the payment of tribute and the performance of ceremonies and formalities by Corea to China, in derogation of such independence and autonomy, shall wholly cease for the future.

ARTICLE II.

China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications thereon:

(a) The southern portion of the province of Feng Tien within the following boundaries:

The line of demarcation begins at the mouth of the River Yalu and ascends that stream to the mouth of the River An-ping; from thence the line runs to Feng Huang; from thence to Haicheng; from thence to Ying Kow, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Feng Kow, it follows the course of that stream to its mouth, where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.

This cession also includes all islands appertaining or belonging to the province of Feng Tien, situated in the eastern portion of the Bay of Liao Tung and in the northern part of the Yellow Sea.

(b) The Island of Formosa, together with all the islands appertaining or belonging to said island of Formosa.

(c) The Pescadores Group — that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.

ARTICLE III.

The alignments of the portions described in the preceding article and shown on the annexed map shall be subject to verification and demarcation on the spot, by a joint commission of delimitation consisting of two or more Chinese and two or more Japanese delegates to be appointed immediately after the exchange of the ratifications of this act. In case the boundaries laid down in this act are found to be defective at any point, either on account of topography or in consideration of good administration, it shall also be the duty of the delimitation commission to rectify the same.

The delimitation commission will enter upon its duties as soon as possible and will bring its labors to a conclusion within the period of one year after appointment.

The alignments laid down in this act shall, however, be maintained until the rectifications of the delimitation commission, if any are made, shall have received the approval of the Governments of China and Japan.

ARTICLE IV.

China agrees to pay to Japan as a war indemnity the sum of 200,000,000 Kuping taels. The said sum is to be paid in eight installments; the first installment of 50,000,000 taels to be paid within six months and the second installment of 50,000,000 taels to be paid within twelve months after the exchange of the ratifications of this act; the remaining sum to be paid in six equal annual installments, as follows:

The first of such equal annual installments to be paid within two years; the second, within three years; the third, within four years; the fourth, within five years; the fifth, within six years, and the sixth, within seven years, after the exchange of the ratifications of this act. Interest at the rate of 5 per centum per annum shall begin to run on all unpaid

portions of the said indemnity from the date the first installment falls due.

China shall, however, have the right to pay by anticipation at any time any or all of said installments. In case the whole amount of the said indemnity is paid within three years after the exchange of the ratifications of the present act, all interest shall be waived, and the interest for two years and half or for any less period, if then already paid, shall be included as a part of the principal amount of the indemnity.

ARTICLE V.

The inhabitants of the territory ceded to Japan, who wish to take up their residence outside the ceded districts, shall be at liberty to sell their real property and retire.

For this purpose a period of two years from the date of the exchange of the ratifications of the present act shall be granted. At the expiration of that period those of the inhabitants who shall not have left said territories shall, at the option of Japan, be deemed Japanese subjects.

Each of the two Governments shall immediately upon the exchange of the ratifications of the present act send one or more commissioners to Formosa to effect a final transfer of that province, and within the space of two months after the exchange of the ratifications of this act such transfer shall be completed.

ARTICLE VI.

All treaties between China and Japan having come to an end, in consequence of war, China engages immediately upon the exchange of the ratifications of this act, to appoint plenipotentiaries to conclude with the Japanese plenipotentiaries, a treaty of commerce and navigation and a convention to regulate frontier intercourse and trade.

The treaties, conventions, and regulations now subsisting between China and European powers shall serve as a basis for the said treaty and convention between China and Japan. From the date of the exchange of the ratifications of this act until the said treaty and convention are brought into actual operation, the Japanese Government, its officials, commerce, navigation, frontier intercourse and trade, industries, ships, and subjects, shall, in every respect, be accorded, by China, most-favored-nation treatment.

China makes, in addition, the following concessions, to take effect six months after the date of the present act:

First. The following cities, towns, and ports, in addition to those already opened, shall be opened to the trade, residence, industries, and manufactures of Japanese subjects, under the same conditions and with the same privileges and facilities as exist at the present open cities, towns, and ports of China.

- (1) Shashih, in the province of Hupeh.
- (2) Chungking, in the province of Szechuan.
- (3) Suchow, in the province of Kian Su.
- (4) Hang Chow, in the province of Chekiang.

The Japanese Government shall have the right to station consuls at any or all of the above-named places.

Second. Steam navigation for vessels under the Japanese flag for the conveyance of passengers and cargo shall be extended to the following places:

- (1) On the upper Yangtze River, from Ichang to Chungking.
- (2) On the Woosung River and the canal, from Shanghai to Suchow and Hangchow.

The rules and regulations which now govern the navigation of the inland waters of China by foreign vessels shall, so far as applicable, be enforced in respect of the above-named routes until new rules and regulations are conjointly agreed to.

Third. Japanese subjects purchasing goods or produce in the interior of China or transporting imported merchandise into the interior of China shall have the right temporarily to rent or hire warehouses for the storage of the articles so purchased or transported without the payment of any taxes or exactions whatever.

Fourth. Japanese subjects shall be free to engage in all kinds of manufacturing industries in all the open cities, towns, and ports of China, and shall be at liberty to import into China all kinds of machinery, paying only the stipulated duties thereon.

All articles manufactured by Japanese subjects in China shall, in respect of inland transit and internal taxes, duties, charges, and exactions of all kinds, and also in respect of warehousing and storage facilities in the interior of China, stand upon the same footing and enjoy the same privileges and exemptions as merchandise imported by Japanese subjects into China.

In the event additional rules and regulations are necessary in connection with these concessions, they shall be embodied in the treaty of commerce and navigation provided for by this article.

ARTICLE VII.

Subject to the provisions of the next succeeding article, the evacuation of China by the armies of Japan shall be completely effected within three months after the exchange of the ratifications of the present act.

ARTICLE VIII.

As a guarantee of the faithful performance of the stipulations of this act, China consents to the temporary occupation by the military forces of Japan of Wei-hai-wei in the province of Shantung.

Upon the payment of the first two installments of the war indemnity herein stipulated for and the exchange of the ratifications of the treaty of commerce and navigation the said place shall be evacuated by the Japanese forces, provided the Chinese Government consent to pledge, under suitable and sufficient arrangements, the customs revenue of China as a security for the payment of the principal and interest of the remaining installments of said indemnity.

It is, however, expressly understood, that no such evacuation shall take place until after the exchange of the ratifications of the treaty of commerce and navigation.

ARTICLE IX.

Immediately upon the exchange of the ratifications of this act all prisoners of war then held shall be restored, and China undertakes not to illtreat or punish prisoners of war so restored to her by Japan. China also engages to at once release all Japanese subjects accused of being military spies or charged with any other military offenses. China further engages not to punish in any manner nor to allow to be punished those Chinese subjects who have in any manner been compromised in their relations with the Japanese army during the war.

ARTICLE X.

All offensive military operations shall cease upon the exchange of the ratifications of this act.

ARTICLE XI.

The present act shall be ratified by their majesties the Emperor of China and the Emperor of Japan, and the ratifications shall be exchanged at Chefoo, on the 14th day of the 4th month of the 28th year of Kwang Hsu, corresponding to the 8th day of the 5th month of the 28th year of Meiji.

In witness whereof the respective plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Shimonoseki, in duplicate, this 23d day of the 3d month of the 21st year of Kwang Hsu, corresponding to the 17th day of the 4th month of the 28th year of Meiji.

LI HUNG CHANG.

[L. s.]

Plenipotentiary of His Majesty the Emperor of China,
Senior Tutor of the Heir Apparent, Senior Grand
Secretary of State, Minister Superintendent of
Trade for the North Ports of China, Viceroy of the
Province of Chili, and Earl of the First Rank.

COUNT ITO HIROBUMI.

[L. s.]

Junii, Grand Cross of the Imperial Order of Paulownia, Minister President of State, Plenipotentiary of His Majesty the Emperor of Japan.

VISCOUNT MUTSU MUNEMITSU.

[L. s.]

Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, Plenipotentiary of His Majesty the Emperor of Japan.

Separate articles.

ARTICLE I.

The Japanese military forces which are, under Article VIII of the treaty of peace signed this day, to temporarily occupy Wei-hai-wei, shall not exceed one brigade, and from the date of the exchange of the ratifications of the said treaty of peace China shall pay annually one-fourth of the amount of the expenses of such temporary occupation, that is to say, at the rate of 500,000 Kuping taels per annum.

ARTICLE II.

The territory temporarily occupied at Wei-hai-wei shall comprise the island of Liu Kung and belt of land 5 Japanese Ri wide along the entire coast line of the Bay of Wei-hai-wei. No Chinese troops shall be permitted to approach or occupy any places within a zone of 5 Japanese Ri wide beyond the boundaries of the occupied territory.

ARTICLE III.

The civil administration of the occupied territory shall remain in the hands of the Chinese authorities. But such authorities shall at all times

be obliged to conform to the orders which the commander of the Japanese army of occupation may deem it necessary to give in the interest of the health, maintenance, safety, distribution, or discipline of the troops.

All military offenses committed within the occupied territory shall be subject to the jurisdiction of the Japanese military authorities.

The foregoing separate articles shall have the same force, value, and effect as if they had been, word for word, inserted in the treaty of peace signed this day.

(Signed as above.)

Convention.

ARTICLE I.

The convention of armistice concluded on the 5th day of the 3rd month of the 21st year of Kwang Hsu, corresponding to the 30th day of the 3d month of the 28th year of Meiji, from this date.

ARTICLE II.

The armistice, which is prolonged by this convention, shall terminate, without notice on either side, at midnight on the 14th day of the 4th month of the 21st year of Kwang Hsu, corresponding to the 8th day of the 5th month of the 28th year of Meiji. The rejection in the meantime, however, of the said treaty of peace, by either high contracting party, shall have the effect of at once terminating this armistice without previous notice.

(Signed as above.)

Convention between Japan and China for the Retrocession by Japan to China of the Southern Portion of the Province of Feng-Tien.

[Signed at Peking, November 8, 1895. Ratifications Exchanged at Peking, November 29, 1895.]

Article I. Japan retrocedes to China in perpetuity and full sovereignty the southern portion of the Province of Feng Tien, which was ceded to Japan under Article II of the Treaty of Shimonoseki of the 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3d month of the 21st year of Kuang Hsu, together with all fortifications, arsenals and public property thereon at the time the retroceded territory is completely evacuated by the Japanese forces in

accordance with the provisions of Article III of this Convention, that is to say, the southern portion of the Province of Feng Tien from the mouth of the River Yalu to the mouth of the River An-ping, thence to Feng Huang Ch'eng, thence to Haicheng, and thence to Ying-Kow; also all cities and towns to the south of this boundary and all islands appertaining or belonging to the Province of Feng Tien situated in the eastern portion of the Bay of Liao-Tung and in the northern part of the Yellow Sea. Article III of the said Treaty of Shimonoseki is in consequence suppressed, as are also the provisions in the same Treaty with reference to the conclusion of a Convention to regulate frontier intercourse and trade.

II. As compensation for the retrocession of the southern portion of the Province of Feng Tien, the Chinese Government engage to pay to the Japanese Government 30,000,000 Kuping taels on or before the 16th day of the 11th month of the 28th year of Meiji, corresponding to the 30th day of the 9th month of the 21st year of Kuang Hsu.

III. Within three months from the day on which China shall have paid to Japan the compensatory indemnity of 30,000,000 Kuping taels provided for in Article II of this Convention, the retroceded territory shall be completely evacuated by the Japanese forces.

IV. China engages not to punish in any manner nor to allow to be punished those Chinese subjects who have in any manner been compromised in connection with the occupation by the Japanese forces of the retroceded territory.

V. The present Convention is signed in duplicate, in the Japanese, Chinese, and English languages. All these texts have the same meaning and intention, but in case of any differences of interpretation between the Japanese and Chinese texts, such differences shall be decided by reference to the English text.

VI. The present Convention shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China, and the ratifications thereof shall be exchanged at Peking within twenty-one days from the present date.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Peking, this 8th day of the 11th month of the 28th year of Meiji, corresponding to the 22nd day of the 9th month of the 21st year of Kuang Hsu.

[L. s.]

[L. s.]

HAYASHI TADASU.

LI HUNG-CHANG.

Protocol.

In view of the insufficiency of time to effect a formal exchange of the ratifications of the Convention between Japan and China signed this day respecting the retrocession of the Peninsula of Feng Tien, before the date named in the said Convention for certain stipulations thereof to take effect, the Government of His Majesty the Emperor of Japan and the Government of His Majesty the Emperor of China, in order to prevent the possibility of delay in putting into execution the several provisions of the said Convention, have, through their respective Plenipotentiaries, agreed upon the following stipulations:

The Governments of Japan and China shall, within the period of five days after the date of this Protocol, announce to each other through the undersigned, their respective Plenipotentiaries, that the said Convention has received the approval of His Majesty the Emperor of Japan and His Majesty the Emperor of China, respectively, and thereupon the said Convention in all its parts shall come into operation as fully and effectually as if the ratifications thereof had actually been exchanged.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Peking, this 8th day of the 11th month of the 28th year of Meiji, corresponding to the 22nd day of the 9th month of the 21st year of Kuang Hsu.

[L. s.]

HAYASHI TADASU.

[L. s.]

LI HUNG-CHANG.

Circular Note of July 3, 1900, to the Powers Cooperating in China, defining the purposes and policy of the United States.

[Circular telegram sent to the United States embassies in Berlin, Paris, London, Rome, and St. Petersburg, and to the United States missions in Vienna, Brussels, Madrid, Tokyo, The Hague, and Lisbon.]

DEPARTMENT OF STATE,

WASHINGTON, *July 3, 1900.*

In this critical posture of affairs in China it is deemed appropriate to define the attitude of the United States as far as present circumstances permit this to be done. We adhere to the policy initiated by us in 1857, of peace with the Chinese nation, of furtherance of lawful commerce, and of protection of lives and property of our citizens by

all means guaranteed under extraterritorial treaty rights and by the law of nations. If wrong be done to our citizens we propose to hold the responsible authors to the uttermost accountability. We regard the condition at Peking as one of virtual anarchy, whereby power and responsibility are practically devolved upon the local provincial authorities. So long as they are not in overt collusion with rebellion and use their power to protect foreign life and property we regard them as representing the Chinese people, with whom we seek to remain in peace and friendship. The purpose of the President is, as it has been heretofore, to act concurrently with the other powers, first, in opening up communication with Peking and rescuing the American officials, missionaries, and other Americans who are in danger; secondly, in affording all possible protection everywhere in China to American life and property; thirdly, in guarding and protecting all legitimate American interests; and fourthly, in aiding to prevent a spread of the disorders to the other provinces of the Empire and a recurrence of such disasters. It is, of course, too early to forecast the means of attaining this last result; but the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.

You will communicate the purport of this instruction to the minister for foreign affairs.

HAY.

Agreement between Great Britain and Germany defining their mutual policy in China.

[Signed at London, 18th October, 1900.]

Her Britannic Majesty's Government and the Imperial German Government being desirous to maintain their interests in China and their rights under existing Treaties, have agreed to observe the following principles in regard to their mutual policy in China:

1. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the

nationals of all countries without distinction; and the two Governments agree on their part to uphold the same for all Chinese territory as far as they can exercise influence.

2. Her Britannic Majesty's Government and the Imperial German Government will not, on their part, make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions, and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire.

3. In case of another Power making use of the complications in China in order to obtain under any form whatever such territorial advantages, the two Contracting Parties reserve to themselves to come to a preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China.

4. The two Governments will communicate this Agreement to the other Powers interested, and especially to Austria-Hungary, France, Italy, Japan, Russia, and the United States of America, and will invite them to accept the principles recorded in it.

SALISBURY.

HATZFELDT.

Final Protocol between the Powers and China, signed September 7, 1901.

The plenipotentiaries of Germany, His Excellency M. A. Mumm von Schwarzenstein; of Austria-Hungary, His Excellency M. M. Czikkann von Wahlborn; of Belgium, His Excellency M. Joostens; of Spain, M. B. J. de Cologan; of the United States, His Excellency M. W. W. Rockhill; of France, His Excellency M. Paul Beau; of Great Britain, His Excellency Sir Ernest Satow; of Italy, Marquis Salvago Raggi; of Japan, His Excellency M. Jutaro Jomura; of the Netherlands, His Excellency M. F. M. Knobel; of Russia, His Excellency M. M. de Giers; and of China, His Highness Yi-K'uang Prince Ching of the first rank, President of the Ministry of Foreign Affairs, and His Excellency Li Hungchang, Earl of Su-i of the first rank, Tutor of the Heir Apparent, Grand Secretary of the Wen-hua Throne Hall, Minister of commerce, Superintendent of the northern trade, Governor-General of Chihli, have met for the purpose of declaring that China has complied to the satisfaction of the Powers with the conditions laid down in the note of the 22d of December, 1900, and which were accepted in their entirety by His Majesty the Emperor of China in a decree dated the 27th of December.

ARTICLE Ia.

By an Imperial Edict of the 9th of June last, Tsai Feng, Prince of Ch'un, was appointed Ambassador of His Majesty the Emperor of China, and directed in that capacity to convey to His Majesty the German Emperor the expression of the regrets of His Majesty the Emperor of China and of the Chinese Government for the assassination of His Excellency the late Baron von Ketteler, German minister.

Prince Ch'un left Peking the 12th of July last to carry out the orders which had been given him.

ARTICLE Ib.

The Chinese Government has stated that it will erect on the spot of the assassination of His Excellency the late Baron von Ketteler a commemorative monument, worthy of the rank of the deceased, and bearing an inscription in the Latin, German, and Chinese languages, which shall express the regrets of His Majesty the Emperor of China for the murder committed.

Their Excellencies the Chinese Plenipotentiaries have informed His Excellency the German Plenipotentiary, in a letter dated the 22nd of July last that an arch of the whole width of the street would be erected on the said spot, and that work on it was begun the 25th of June last.

ARTICLE IIa.

Imperial Edicts of the 13th and 21st of February, 1901, inflicted the following punishments on the principal authors of the outrages and crimes committed against the foreign Governments and their nationals:

Tsai-I Prince Tuan and Tsai Lan Duke Fu-kuo were sentenced to be brought before the autumnal court of assize for execution, and it was agreed that if the Emperor saw fit to grant them their lives, they should be exiled to Turkestan and there imprisoned for life, without the possibility of commutation of these punishments.

Tsai Hsun Prince Chuang, Ying Nien, President of the Court of censors, and Chao Shu-Chiao, President of the Board of punishments, were condemned to commit suicide.

Yu Hsien, Governor of Shanhsi, Chi Hsiu, President of the Board of rites, and Hsu Cheng-yu, formerly senior vice-President of the Board of punishments, were condemned to death.

Posthumous degradation was inflicted on Kang Yi, assistant Grand Secretary, President of the Board of works, Hsu Tung, Grand Secretary, and Li Ping-heng, formerly Governor-General of Szu-ch'uan.

An Imperial Edict of February 13th, 1901, rehabilitated the memories of Hsu Yung-yi, President of the Board of war, Li Shan, President of the Board of works, Hsu Ching-cheng, senior vice-President of the Board of works, Lien Yuan, vice-Chancellor of the Grand Council, and Yuan Chang, vice-President of the Court of sacrifices, who had been put to death for having protested against the outrageous breaches of international law of last year.

Prince Chuang committed suicide the 21st of February, 1901, Ying Nien and Chao Shu-chiao the 24th, Yu Hsien was executed the 22nd, Chi Hsiu and Hsu Cheng-yu on the 26th. Tung Fu-hsiang, General in Kan-su, has been deprived of his office by Imperial Edict of the 13th of February, 1901, pending the determination of the final punishment to be inflicted on him.

Imperial Edicts dated the 29th of April and 19th of August, 1901, have inflicted various punishments on the provincial officials convicted of the crimes and outrages of last summer.

ARTICLE IIb.

An Imperial Edict promulgated the 19th of August, 1901, ordered the suspension of official examinations for five years in all cities where foreigners were massacred or submitted to cruel treatment.

ARTICLE III.

So as to make honorable reparation for the assassination of Mr. Sugiyama, chancellor of the Japanese legation, His Majesty the Emperor of China by an Imperial Edict of the 18th of June, 1901, appointed Na Tung, vice-President of the Board of revenue, to be his Envoy Extraordinary, and specially directed him to convey to His Majesty the Emperor of Japan the expression of the regrets of His Majesty the Emperor of China and of his Government at the assassination of the late Mr. Sugiyama.

ARTICLE IV.

The Chinese Government has agreed to erect an expiatory monument in each of the foreign or international cemeteries which were desecrated and in which the tombs were destroyed.

It has been agreed with the Representatives of the Powers that the legations interested shall settle the details for the erection of these monuments, China bearing all the expenses thereof, estimated at ten

thousand taels for the cemeteries at Peking and within its neighborhood, and at five thousand taels for the cemeteries in the provinces. The amounts have been paid and the list of these cemeteries is enclosed herewith.

ARTICLE V.

China has agreed to prohibit the importation into its territory of arms and ammunition, as well as of materials exclusively used for the manufacture of arms and ammunition.

An Imperial Edict has been issued on the 25th of August, 1901, forbidding said importation for a term of two years. New Edicts may be issued subsequently extending this by other successive terms of two years in case of necessity recognized by the Powers.

ARTICLE VI.

By an Imperial Edict dated the 29th of May, 1901, His Majesty the Emperor of China agreed to pay the Powers an indemnity of four hundred and fifty millions of Haikwan taels. This sum represents the total amount of the indemnities for States, companies or societies, private individuals, and Chinese referred to in Article VI of the note of December 22nd, 1900.

(a) These four hundred and fifty millions constitute a gold debt calculated at the rate of the Haikwan tael to the gold currency of each country, as indicated below:

Haikwan tael = marks	3.055
= Austro-Hungary crown	3.595
= gold dollar	0.742
= francs	3.750
= pound sterling	3s. 0d.
= yen	1.407
= Netherlands florin	1.796
= gold rouble (17.424 dolias fine)	1.412

This sum in gold shall bear interest at 4 per cent per annum, and the capital shall be reimbursed by China in thirty-nine years in the manner indicated in the annexed plan of amortization.

Capital and interest shall be payable in gold or at the rates of exchange corresponding to the dates at which the different payments fall due.

The amortization shall commence the 1st of January, 1902, and shall finish at the end of the year 1940. The amortizations are payable annually, the first payment being fixed on the 1st of January, 1903.

Interest shall run from the 1st of July, 1901, but the Chinese Government shall have the right to pay off within a term of three years, beginning January, 1902, the arrears of the first six months, ending the 31st of December, 1901, on condition, however, that it pays compound interest at the rate of 4 per cent per annum on the sums the payments of which shall have thus been deferred. Interest shall be payable semi-annually, the first payment being fixed on the 1st of July, 1902.

(b) The service of the debt shall take place in Shanghai, in the following manner:

Each Power shall be represented by a delegate on a commission of bankers authorized to receive the amount of interest and amortization which shall be paid to it by the Chinese authorities designated for that purpose, to divide it among the interested parties, and to give a receipt for the same.

(c) The Chinese Government shall deliver to the Doyen of the Diplomatic Corps at Peking a bond for the lump sum, which shall subsequently be converted into fractional bonds bearing the signatures of the delegate of the Chinese Government designated for that purpose. This operation and all those relating to issuing of the bonds shall be performed by the above-mentioned Commission, in accordance with the instructions which the Powers shall send their delegates.

(d) The proceeds of the revenues assigned to the payment of the bonds shall be paid monthly to the Commission.

(e) The revenues assigned as security for the bonds are the following:

1. The balance of the revenues of the Imperial maritime Customs after payment of the interest and amortization of preceding loans secured on these revenues, plus the proceeds of the raising to five per cent effective of the present tariff on maritime imports, including articles until now on the free list, but exempting foreign rice, cereals, and flour, gold and silver, bullion and coin.

2. The revenues of the native customs, administered in the open ports by the Imperial maritime Customs.

3. The total revenues of the salt gabelle, exclusive of the fraction previously set aside for other foreign loans.

The raising of the present tariff on imports to five per cent effective is agreed to on the conditions mentioned below.

It shall be put in force two months after the signing of the present

protocol, and no exceptions shall be made except for merchandise shipped not more than ten days after the said signing.

1°. All duties levied on imports "ad valorem" shall be converted as far as possible and as soon as may be into specific duties. This conversion shall be made in the following manner: The average value of merchandise at the time of their landing during the three years 1897, 1898, and 1899, that is to say, the market price less the amount of import duties and incidental expenses, shall be taken as the basis for the valuation of merchandise. Pending the result of the work of conversion, duties shall be levied "ad valorem."

2°. The beds of the rivers Peiho and Whangpu shall be improved with the financial participation of China.

ARTICLE VII.

The Chinese Government has agreed that the quarter occupied by the legations shall be considered as one specially reserved for their use and placed under their exclusive control, in which Chinese shall not have the right to reside and which may be made defensible.

The limits of this quarter have been fixed as follows on the annexed plan:

On the west, the line 1, 2, 3, 4, 5.

On the north, the line 5, 6, 7, 8, 9, 10.

On the east, Ketteler street (10, 11, 12).

Drawn along the exterior base of the Tartar wall and following the line of the bastions, on the south line of 12.1.

In the protocol annexed to the letter of the 16th of January, 1901, China recognized the right of each Power to maintain a permanent guard in the said quarter for the defense of its legation.

ARTICLE VIII.

The Chinese Government has consented to raze the forts of Taku and those which might impede free communication between Peking and the sea; steps have been taken for carrying this out.

ARTICLE IX.

The Chinese Government has conceded the right to the Powers in the protocol annexed to the letter of the 16th of January, 1901, to occupy certain points, to be determined by an agreement between them, for the

maintenance of open communication between the capital and the sea. The points occupied by the powers are:

Huang-tsun, Lang-fang, Yang-tsun, Tientsin, Chun-liang Ch'eng, Tang-ku, Lu-tai, Tang-shan, Lan-chou, Chang-li, Ch'in-wang tao, Shan-hai-kuan.

ARTICLE X.

The Chinese Government has agreed to post and to have published during two years in all district cities the following Imperial Edicts:

(a) Edict of the 1st of February, prohibiting forever, under pain of death, membership in any antforeign society.

(b) Edicts of the 13th and 21st February, 29th April, and 19th August, enumerating the punishments inflicted on the guilty.

(c) Edict of the 19th August, 1901, prohibiting examinations in all cities where foreigners were massacred or subjected to cruel treatment.

(d) Edict of the 1st of February, 1901, declaring all governors-general, governors, and provincial or local officials responsible for order in their respective districts, and that in case of new antforeign troubles or other infractions of the treaties which shall not be immediately repressed and the authors of which shall not have been punished, these officials shall be immediately dismissed, without possibility of being given new functions or new honors.

The posting of these edicts is being carried on throughout the Empire.

ARTICLE XI.

The Chinese Government has agreed to negotiate the amendments deemed necessary by the foreign governments to the treaties of commerce and navigation and the other subjects concerning commercial relations, with the object of facilitating them.

At present, and as a result of the stipulation contained in Article VI concerning the indemnity, the Chinese Government agrees to assist in the improvement of the courses of the rivers Peiho and Whangpu, as stated below.

(a) The works for the improvement of the navigability of the Peiho, begun in 1898 with the cooperation of the Chinese Government, have been resumed under the direction of an international Commission. As soon as the administration of Tientsin shall have been handed back to the Chinese Government, it will be in a position to be represented on this commission, and will pay each year a sum of sixty thousand Haikwan taels for maintaining the works.

(67) A conservancy Board, charged with the management and control of the works for straightening the Whangpu and the improvement of the course of that river, is hereby created.

This Board shall consist of members representing the interests of the Chinese Government and those of foreigners in the shipping trade of Shanghai. The expenses incurred for the works and the general management of the undertaking are estimated at the annual sum of four hundred and sixty thousand Haikwan taels for the first twenty years. This sum shall be supplied in equal portions by the Chinese Government and the foreign interests concerned. Detailed stipulations concerning the composition, duties, and revenues of the conservancy board are embodied in annex No. 17.

ARTICLE XII.

An Imperial Edict of the 24th of July, 1901, reformed the Office of foreign affairs, (Tsungli Yamen), on the lines indicated by the Powers, that is to say, transformed it into a Ministry of foreign affairs (Wai-wu Pu), which takes precedence over the six other Ministries of State. The same edict appointed the principal members of this Ministry.

An agreement has also been reached concerning the modification of Court ceremonial as regards the reception of foreign Representatives and has been the subject of several notes from the Chinese Plenipotentiaries, the substance of which is embodied in a memorandum herewith annexed.

Finally, it is expressly understood that as regards the declarations specified above and the annexed documents originating with the foreign Plenipotentiaries, the French text only is authoritative.

The Chinese Government having thus complied to the satisfaction of the Powers with the conditions laid down in the above-mentioned note of December 22nd, 1900, the Powers have agreed to accede to the wish of China to terminate the situation created by the disorders of the summer of 1900. In consequence thereof the foreign Plenipotentiaries are authorized to declare in the names of their Governments that, with the exception of the legion guards mentioned in Article VII, the international troops will completely evacuate the city of Peking on the 17th September, 1901, and, with the exception of the localities mentioned in Article IX, will withdraw from the province of Chihli on the 22d of September.

The present final Protocol has been drawn up in twelve identic copies and signed by all the Plenipotentiaries of the Contracting Countries.

One copy shall be given to each of the foreign Plenipotentiaries, and one copy shall be given to the Chinese Plenipotentiaries.

Peking, 7th September, 1901.

A. v. MUMM.

M. CZIKANN.

JOOSTENS.

B. J. DE COLOGAN.

W. W. ROCKHILL.

BEAU.

ERNEST SATOW.

SALVAGO RAGGI.

JUTARO KOMURA.

F. M. KNOBEL.

M. DE GIERS.

(Signatures
and
seals
of
Chinese
plenipotentiaries.)

(Annexes omitted from this publication.)

*Convention Entre La Russie et le Japon Signée à St. Pétersbourg le
17/30 Juillet 1907.*

Le Gouvernement de SA MAJESTÉ L'EMPEREUR de toutes les Russies et le Gouvernement de Sa Majesté l'Empereur du Japon, désireux de consolider les rapports de paix et de bon voisinage qui se sont heureusement rétablis entre la Russie et le Japon et voulant écarter pour l'avenir toute cause de malentendus dans les relations des deux empires, sont convenus des dispositions suivantes :

Article. I. Chacune des deux hautes parties contractantes s'engage à respecter l'intégrité territoriale actuelle de l'autre et tous les droits découlant pour l'une et pour l'autre partie, des traités, conventions et contrats en vigueur entre elles et la Chine, copies desquels ont été échangées entre les parties contractantes, — en tant que ces croits ne sont pas incompatibles avec le principe de l'opportunité égale, — du traité signé à Portsmouth le 5 Septembre/23 Aout 1905, ainsi que des conventions spéciales conclues entre la Russie et le Japon.

Article II. Les deux hautes parties contractantes reconnaissent l'indépendance et l'intégrité territoriale de l'empire de Chine et le principe de l'opportunité égale pour ce qui concerne le commerce et l'industrie de toutes nations dans cet empire, et s'engagent à soutenir et à défendre le maintien du statu quo et le respect de ce principe par tous les moyens pacifiques à leur portée.

En foi de quoi les soussignés, dûment autorisés par leur Gouvernements respectifs, ont signé cette convention et y ont apposé leurs sceaux.

Fait à St. Pétersbourg, le 17/30 Juillet 1907.

[TRANSLATION.]

The Government of His Majesty the Emperor of Japan and the Government of His Majesty the Emperor of all the Russias, being desirous to consolidate relations of peace and good neighborhood which have happily been restored between Japan and Russia, and wishing to remove for the future all cause of misunderstanding in the relations of the Two Empires, have agreed upon the following stipulations:

Art. I. Each of the High Contracting Parties engages to respect the actual territorial integrity of the other, and all rights due now both Parties by virtue of treaties, conventions and contracts now in force between them and China, copies of which have been exchanged between the Contracting Parties (so far as those rights are not incompatible with the principle of equal opportunity), as well as by virtue of the Treaty signed at Portsmouth on ^{September 5,}
~~August 23,~~ 1905 and the Special Conventions concluded between Japan and Russia.

Art. II. The two High Contracting Parties recognize the independence and territorial integrity of the Empire of China and the principle of equal opportunity for the commerce and industry of all nations in that Empire, and engage to uphold and support the maintenance of status quo and the respect for the said principle by all pacific means at their disposal.

The Undersigned duly authorized by their respective Governments have signed this Convention and have affixed thereto their seals.

Done at St. Petersburg this day ^{July 30}
~~July 17,~~ 1907.

(Signed) I. MOTONO.

(Signed) A. IZVOLSKY.

AGREEMENT BETWEEN JAPAN AND COREA, SIGNED AT SEOUL JULY 24, 1907, RELATING TO THE INTERNAL ADMINISTRATION OF COREA.

[TRANSLATION.]

The Government of Japan and the Government of Corea, being animated by the desire to attain speedy development of the strength and resources of Corea and to promote the welfare of her people, have, with that object in view, agreed upon the following stipulations:

ARTICLE I. The Government of Corea shall act under the guidance of the Resident General, in respect to reforms in administration.

ARTICLE II. The Government of Corea engage not to enact any laws, ordinances, regulations, nor to take any important measures of administration without the previous assent of the Resident General.

ARTICLE III. Judicial affairs in Corea shall be set apart from the affairs of ordinary administration.

ARTICLE IV. The appointment and dismissal of all the high officials in Corea shall be made with the concurrence of the Resident General.

ARTICLE V. The Government of Corea shall appoint as Korean officials Japanese subjects recommended by the Resident General.

ARTICLE VI. The Government of Corea shall not engage the services of any foreigner without the concurrence of the Resident General.

ARTICLE VII. Article I of the Protocol, signed between Japan and Corea on August 22nd, 1904, shall hereafter cease to be binding.

In witness whereof, the undersigned duly authorized by their respective Governments, have signed this Agreement and have affixed thereto their seals.

(Signed) Marquis ITO,
Japanese Resident General.

(Signed) YE WAN YONG,
Prime Minister of Corea.

The 24th day of the 7th month of the 40th year of Meiji. (July 24, 1907.)

CONVENTION SIGNED ON AUGUST 31, 1907, BETWEEN GREAT BRITAIN AND RUSSIA, CONTAINING ARRANGEMENTS ON THE SUBJECT OF PERSIA, AFGHANISTAN, AND THIBET.

No. 1.

Sir Edward Grey to Sir A. Nicolson.

Sir,

FOREIGN OFFICE, *August 29, 1907.*

I have to-day authorized your Excellency by telegraph to sign a Convention with the Russian Government containing Arrangements on the subject of Persia, Afghanistan, and Thibet.

The Arrangement respecting Persia is limited to the regions of that country touching the respective frontiers of Great Britain and Russia in Asia, and the Persian Gulf is not part of those regions, and is only

partly in Persian territory. It has not therefore been considered appropriate to introduce into the Convention a positive declaration respecting special interests possessed by Great Britain in the Gulf, the result of British action in those waters for more than a hundred years.

His Majesty's Government have reason to believe that this question will not give rise to difficulties between the two Governments should developments arise which make further discussion affecting British interests in the Gulf necessary. For the Russian Government have in the course of the negotiations leading up to the conclusion of this Arrangement explicitly stated that they do not deny the special interests of Great Britain in the Persian Gulf—a statement of which His Majesty's Government have formally taken note.

In order to make it quite clear that the present Arrangement is not intended to affect the position in the Gulf, and does not imply any change of policy respecting it on the part of Great Britain, His Majesty's Government think it desirable to draw attention to previous declarations of British policy, and to reaffirm generally previous statements as to British interests in the Persian Gulf and the importance of maintaining them.

His Majesty's Government will continue to direct all their efforts to the preservation of the *status quo* in the Gulf and the maintenance of British trade; in doing so, they have no desire to exclude the legitimate trade of any other Power.

I am, &c.

(Signed)

E. GREY.

No. 2.

Sir A. Nicolson to Sir Edward Grey.

Sir,

ST. PETERSBURGH, August 31, 1907.

I have the honour to transmit herewith the Convention which was signed to-day by M. Iswolsky and myself for the settlement of certain questions affecting the interests of Great Britain and Russia in Asia.

I also beg leave to forward a note which I received from M. Iswolsky in response to a communication from me, of which a copy is herewith inclosed, on the subject of the entry of scientific missions into Thibet.

I have, &c.

(Signed)

A. NICOLSON.

Convention.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of All the Russias, animated by the sincere desire to settle by mutual agreement different questions concerning the interests of their States on the Continent of Asia, have determined to conclude Agreements destined to prevent all cause of misunderstanding between Great Britain and Russia in regard to the questions referred to, and have nominated for this purpose their respective Plenipotentiaries, to wit:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Right Honourable Sir Arthur Nicolson, His Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of All the Russias;

His Majesty the Emperor of All the Russias, the Master of his Court Alexander Iswolsky, Minister for Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following:—

ARRANGEMENT CONCERNING PERSIA.

The Governments of Great Britain and Russia having mutually engaged to respect the integrity and independence of Persia, and sincerely desiring the preservation of order throughout that country and its peaceful development, as well as the permanent establishment of equal advantages for the trade and industry of all other nations;

Considering that each of them has, for geographical and economic reasons, a special interest in the maintenance of peace and order in certain provinces of Persia adjoining, or in the neighbourhood of, the Russian frontier on the one hand, and the frontiers of Afghanistan and Baluchistan on the other hand; and being desirous of avoiding all cause of conflict between their respective interests in the above-mentioned Provinces of Persia;

Have agreed on the following terms:—

I.

Great Britain engages not to seek for herself, and not to support in favour of British subjects, or in favour of the subjects of third Powers, any Concessions of a political or commercial nature—such as Conces-

sions for railways, banks, telegraphs, roads, transport, insurance, &c. — beyond a line starting from Kasr-i-Shirin, passing through Isfahan, Yezd, Kakhk, and ending at a point on the Persian frontier at the intersection of the Russian and Afghan frontiers, and not to oppose, directly or indirectly, demands for similar Concessions in this region which are supported by the Russian Government. It is understood that the above-mentioned places are included in the region in which Great Britain engages not to seek the Concessions referred to.

II.

Russia, on her part, engages not to seek for herself and not to support, in favour of Russian subjects, or in favour of the subjects of third Powers, any Concessions of a political or commercial nature — such as Concessions for railways, banks, telegraphs, roads, transport, insurance, &c. — beyond a line going from the Afghan frontier by way of Gazik, Birjand, Kerman, and ending at Bunder Abbas, and not to oppose, directly or indirectly, demands for similar Concessions in this region which are supported by the British Government. It is understood that the above-mentioned places are included in the region in which Russia engages not to seek the Concessions referred to.

III.

Russia, on her part, engages not to oppose, without previous arrangement with Great Britain, the grant of any Concessions whatever to British subjects in the regions of Persia situated between the lines mentioned in Articles I and II.

Great Britain undertakes a similar engagement as regards the grant of Concessions to Russian subjects in the same regions of Persia.

All Concessions existing at present in the regions indicated in Articles I and II are maintained.

IV.

It is understood that the revenues of all the Persian customs, with the exception of those of Farsistan and of the Persian Gulf, revenues guaranteeing the amortization and the interest of the loans concluded by the Government of the Shah with the "Banque d'Escompte et des Prets de Perse" up to the date of the signature of the present Arrangement, shall be devoted to the same purpose as in the past.

It is equally understood that the revenues of the Persian customs of Farsistan and of the Persian Gulf, as well as those of the fisheries on the

Persian shore of the Caspian Sea and those of the Posts and Telegraphs, shall be devoted, as in the past, to the service of the loans concluded by the Government of the Shah with the Imperial Bank of Persia up to the date of the signature of the present Arrangement.

V.

In the event of irregularities occurring in the amortization or the payment of the interest of the Persian loans concluded with the "Banque d'Escompte et des Prets de Perse" and with the Imperial Bank of Persia up to the date of the signature of the present Arrangement, and in the event of the necessity arising for Russia to establish control over the sources of revenue guaranteeing the regular service of the loans concluded with the first-named bank, and situated in the region mentioned in Article II of the present Arrangement, or for Great Britain* to establish control over the sources of revenue guaranteeing the regular service of the loans concluded with the second-named bank, and situated in the region mentioned in Article I of the present Arrangement, the British and Russian Governments undertake to enter beforehand into a friendly exchange of ideas with a view to determine, in agreement with each other, the measures of control in question and to avoid all interference which would not be in conformity with the principles governing the present Arrangement.

CONVENTION CONCERNING AFGHANISTAN.

The High Contracting Parties, in order to ensure perfect security on their respective frontiers in Central Asia and to maintain in these regions a solid and lasting peace, have concluded the following Convention: —

ARTICLE I.

His Britannic Majesty's Government declare that they have no intention of changing the political status of Afghanistan.

His Britannic Majesty's Government further engage to exercise their influence in Afghanistan only in a pacific sense, and they will not themselves take, nor encourage Afghanistan to take, any measures threatening Russia.

The Russian Government, on their part, declare that they recognize Afghanistan as outside the sphere of Russian influence, and they engage that all their political relations with Afghanistan shall be conducted through the intermediary of His Britannic Majesty's Government; they further engage not to send any Agents into Afghanistan.

ARTICLE II.

The Government of His Britannic Majesty having declared in the Treaty signed at Kabul on the 21st March, 1905, that they recognize the Agreement and the engagements concluded with the late Ameer Abdur Rahman, and that they have no intention of interfering in the internal government of Afghan territory, Great Britain engages neither to annex nor to occupy in contravention of that Treaty any portion of Afghanistan or to interfere in the internal administration of the country, provided that the Ameer fulfils the engagements already contracted by him towards His Britannic Majesty's Government under the above-mentioned Treaty.

ARTICLE III.

The Russian and Afghan authorities, specially designated for the purpose on the frontier or in the frontier provinces, may establish direct relations with each other for the settlement of local questions of a non-political character.

ARTICLE IV.

His Britannic Majesty's Government and the Russian Government affirm their adherence to the principle of equality of commercial opportunity in Afghanistan, and they agree that any facilities which may have been, or shall be hereafter obtained for British and British-Indian trade and traders, shall be equally enjoyed by Russian trade and traders. Should the progress of trade establish the necessity for Commercial Agents, the two Governments will agree as to what measures shall be taken, due regard, of course, being had to the Ameer's sovereign rights.

ARTICLE V.

The present Arrangements will only come into force when His Britannic Majesty's Government shall have notified to the Russian Government the consent of the Ameer to the terms stipulated above.

ARRANGEMENT CONCERNING THIBET.

The Governments of Great Britain and Russia recognizing the suzerain rights of China in Thibet, and considering the fact that Great Britain, by reason of her geographical position, has a special interest in the maintenance of the *status quo* in the external relations of Thibet, have made the following Arrangement:—

ARTICLE I.

The two High Contracting Parties engage to respect the territorial integrity of Thibet and to abstain from all interference in its internal administration.

ARTICLE II.

In conformity with the admitted principle of the suzerainty of China over Thibet, Great Britain and Russia engage not to enter into negotiations with Thibet except through the intermediary of the Chinese Government. This engagement does not exclude the direct relations between British Commercial Agents and the Thibetan authorities provided for in Article V of the Convention between Great Britain and Thibet of the 7th September, 1904, and confirmed by the Convention between Great Britain and China of the 27th April, 1906; nor does it modify the engagements entered into by Great Britain and China in Article I of the said Convention of 1906.

It is clearly understood that Buddhists, subjects of Great Britain or of Russia, may enter into direct relations on strictly religious matters with the Dalai Lama and the other representatives of Buddhism in Thibet; the Governments of Great Britain and Russia engage, as far as they are concerned, not to allow those relations to infringe the stipulations of the present Arrangement.

ARTICLE III.

The British and Russian Governments respectively engage not to send Representatives to Lhasa.

ARTICLE IV.

The two High Contracting Parties engage neither to seek nor to obtain, whether for themselves or their subjects, any Concessions for railways, roads, telegraphs, and mines, or other rights in Thibet.

ARTICLE V.

The two Governments agree that no part of the revenues of Thibet, whether in kind or in cash, shall be pledged or assigned to Great Britain or Russia or to any of their subjects.

ANNEX TO THE ARRANGEMENT BETWEEN GREAT BRITAIN AND RUSSIA
CONCERNING THIBET.

Great Britain reaffirms the Declaration, signed by his Excellency the Viceroy and Governor-General of India and appended to the ratification of the Convention of the 7th September, 1904, to the effect that the occupation of the Chumbi Valley by British forces shall cease after the payment of three annual instalments of the indemnity of 25,000,000 rupees, provided that the trade marts mentioned in Article II of that Convention have been effectively opened for three years, and that in the meantime the Thibetan authorities have faithfully complied in all respects with the terms of the said Convention of 1904. It is clearly understood that if the occupation of the Chumbi Valley by the British forces has, for any reason, not been terminated at the time anticipated in the above Declaration, the British and Russian Governments will enter upon a friendly exchange of views on this subject.

The present Convention shall be ratified, and the ratifications exchanged at St. Petersburg as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention and affixed thereto their seals.

Done in duplicate at St. Petersburg, the 18th (31st) August, 1907.

(L. S.)

A. NICOLSON.

(L. S.)

ISWOLSKY.

Inclosure 2 in No. 2.

Sir A. Nicolson to M. Iswolsky.

M. le Ministre,

ST. PETERSBURGH, *August 18 (31), 1907.*

With reference to the Arrangement regarding Thibet, signed today, I have the honour to make the following Declaration to your Excellency:—

“His Britannic Majesty’s Government think it desirable, so far as they are concerned, not to allow, unless by a previous agreement with the Russian Government, for a period of three years from the date of the present communication, the entry into Thibet of any scientific mission whatever, on condition that a like assurance is given on the part of the Imperial Russian Government.

“His Britannic Majesty’s Government propose, moreover, to approach the Chinese Government with a view to induce them to accept a similar

obligation for a corresponding period; the Russian Government will, as a matter of course, take similar action.

"At the expiration of the term of three years above mentioned His Britannic Majesty's Government will, if necessary, consult with the Russian Government as to the desirability of any ulterior measures with regard to scientific expeditions to Thibet."

I avail, &c.
(Signed) A. NICOLSON.

Inclosure 3 in No. 2.

M. Iswolsky to Sir A. Nicolson.

M. l'Ambassadeur, ST. PETERSBURGH, *August 18 (31), 1907.*

In reply to your Excellency's note of even date, I have the honour to declare that the Imperial Russian Government think it desirable, so far as they are concerned, not to allow, unless by a previous agreement with the British Government, for a period of three years from the date of the present communication, the entry into Thibet of any scientific mission whatever.

Like the British Government, the Imperial Government propose to approach the Chinese Government with a view to induce them to accept a similar obligation for a corresponding period.

It is understood that at the expiration of the term of three years the two Governments will, if necessary, consult with each other as to the desirability of any ulterior measures with regard to scientific expeditions to Thibet.

I have, &c.
(Signed) ISWOLSKY.

PROTOCOL PROVIDING FOR A GENERAL CONFERENCE BETWEEN THE REPUBLICS OF COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS AND NICARAGUA, SIGNED AT WASHINGTON, SEPTEMBER 17, 1907.

We, the representatives of the five Central American Republics, having met in the city of Washington at the instance of their Excellencies the Presidents of the United States of America and of the United Mexican States in order to devise the means of preserving the good relations among

said Republics and of bringing about permanent peace in those countries, and for the purpose of establishing bases conducive to the attainment of such ends, being duly authorized by our respective governments, have agreed to the following:

ARTICLE I.

Following a formal invitation which, as is understood, is to be made simultaneously to each of the five Central American Republics by Their Excellencies the Presidents of the United States of America and of the United Mexican States, a Conference of the plenipotentiaries to be appointed for the purpose by the governments of the said Republics, viz, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, shall meet during the first fifteen days of November next in the City of Washington, for the purpose of discussing the steps to be taken and the measures to be adopted in order to adjust any differences which may exist among said Republics or any of them, and for the purpose of concluding a treaty which shall determine their general relations.

ARTICLE II.

Their Excellencies the Presidents of the Central American Republics shall invite Their Excellencies the Presidents of the United States of America and of the United Mexican States to appoint, if they deem proper, their respective representatives to lend their good and impartial offices in a purely friendly way towards the realization of the objects of the Conference.

ARTICLE III.

Until the Conference meets and accomplishes the lofty mission devolving upon it, the five Central American Republics, to-wit, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, agree to maintain peace and good relations among one another and they respectively assume the obligation not to commit or allow to be committed any act which might disturb their mutual tranquillity. To this end they shall refrain from an armed demonstration on their respective frontiers and shall withdraw their naval forces to their territorial waters.

ARTICLE IV.

If any unforeseen question should unfortunately arise among any of the said Republics pending the meeting of the Conference, and if it should be impossible to adjust it by the friendly means of diplomacy, it

is mutually agreed that the parties concerned shall submit the difference to the good counsels of His Excellency the President of the United States of America, or of the President of the United Mexican States or of both Presidents jointly, according to circumstances and in conformity with the agreement to be concluded for the purpose.

Signed in Washington, the seventeenth day of the month of September, one thousand nine hundred and seven.

J. B. CALVO,
F. MEJIA,
LUIS TOLEDO HERRARTE,
ANGEL UGARTE,
LUIS F. CORREA.

ACT OF DOMINICAN CONGRESS AUTHORIZING EXECUTIVE TO ISSUE AND
SELL \$20,000,000 BONDS.

[From "Gaceta Oficial," September 18, 1907.]

The National Congress.

In the Name of the Republic.

On the Initiative of the Executive Power.

URGENTLY DECLARED.

In exercise of the power conferred upon it by Article 23 of the Political Constitution of the State, and to the end that all the provisions of the Convention celebrated between the Republic and the United States of America on February 8, 1907, and approved by this High Body on May 3 of the same year, may be complied with and to provide for the execution, issue and sale of the bonds therein mentioned: and in view of the Decree which declares the loan for which the issue and sale of bonds is provided to be of public utility,

RESOLVES:

Article 1. To authorize the Executive Power to issue and sell, through the Secretary of Finance and Commerce, in such form and denominations, and upon such terms as it may deem best for the interests of the Republic, secured by the Convention above mentioned, and by the import

and export duties collected in the Republic, in accordance with the provisions thereof, bonds of the Republic to a total not exceeding twenty million dollars gold of the United States of America at the present standard of weight and fineness, bearing interest at the rate of five per cent per annum, payable semi-annually, in like gold coin, amortizable in fifty years and redeemable after the expiration of ten years, at one hundred two and one half of their face value, and requiring the payment of at least one per cent per annum for amortization, under such regulations as the said Secretary of Finance and Commerce may prescribe.

Paragraph 1. Both the bonds and the interest thereon shall be exempt from the payment of all taxes or duties now or hereafter established by the Republic.

Paragraph 2. The bonds issued shall conform to the provisions of the Convention of February 8, 1907, approved by this High Body on May 3 of the same year, and shall contain such provisions as the Secretary of Finance may prescribe, and each bond shall bear a certificate in such form and containing such provisions as the said Secretary of Finance and Commerce may prescribe and which shall be executed by him or by the Fiscal Agent, and which shall authenticate such bonds as bonds issued by virtue of the provisions of the said Convention.

Article 2. These bonds or the proceeds thereof shall be applied by the Executive Power to the objects mentioned in the Convention.

Article 3. The Executive Power is also authorized to appoint a Depositary, an Agent and Registrar of transfers and a Fiscal Agent, to act in connection with the issue and sale of the bonds and with the receipt and distribution of the proceeds of the said sale, with the adjustment and settlement of the debts, claims and concessions, and with the service of the loan, in accordance with the provisions of the said Convention.

Paragraph. The same company, bank or firm of private bankers may act as Depositary, Agent and Registrar of transfers, and Fiscal Agent or these duties may be entrusted to different agents as the Executive Power may deem best, which shall prescribe the powers and duties of each, and pay or agree to pay for their services such remuneration as it may deem best, provided that the remuneration of the Depositary shall not exceed one-half of one per cent of the total sum which may be paid to the holders of indebtedness or claims against the Republic, or concessions, who may have accepted the proposed adjustment, or reserved for the payment of debts, claims and concessions of the holders who may not have accepted it, in addition to the expenses incurred by such depositary in acting as such: nor more than \$250 per annum to the Agent and Regis-

trar of transfers, nor more than fifty cents to the Fiscal Agent for each certificate of authenticity that he may issue for each bond, nor more than ten thousand dollars per annum for the incidental expenses incurred by such Fiscal Agent for the service of the loan.

The Executive Power is also authorized to pay from the proceeds of said bonds, the sum necessary to cover the expense of preparing, issuing and disposing of the same.

This Resolution is effective against any other law, decree or resolution that may conflict with it.

Transmit to the Executive Power for constitutional ends.

Done in the Palace of the National Congress the 16th day of September, 1907: 64th year of the Independence and 45th of the Restoration.

The President: RAMON O. LOVATON.

The Secretaries: A. AOEVEDO. C. A. NOUEL.

Let it be executed, communicated by the Corresponding Department, published in all the territory of the Republic that it may be observed.

Done in the National Palace of Santo Domingo, Capital of the Republic, the 17th day of September, 1907: 64th year of the Independence and 45th of the Restoration.

The President of the Republic:

B. CAJERES.

Countersigned: The Minister of Finance and Commerce:

FEDOO. VELAZQUEZ H.

BRAZILIAN LAW RESPECTING THE EXPULSION OF FOREIGNERS.

Decree No. 1641 of January 7, 1907.

Regulations concerning the expulsion of foreigners from the national territory.

The President of the Republic of the United States of Brazil:

I make known that the National Congress has decreed and I sanction the following resolution:

Art. 1. The foreigner who, for whatever motive, should compromise the national safety or public tranquillity, may be expelled from a part or the whole of the national territory.

Art. 2. Are also sufficient causes for expulsion: —

1. The condemnation or action by foreign tribunals for crime or offenses of a common nature;

2. Two condemnations, at least, by Brazilian tribunals for crimes or offenses of a common nature;

3. Vagrancy, beggary and pandering when competently proved.

Art. 3. A foreigner can not be expelled when he has resided two years continuously in the territory of the Republic or for a lesser time when he is:

a) married with a Brazilian;

b) a widower with a Brazilian son.

Art. 4. The Executive can impede the entrance to the territory of the Republic to every foreigner whose antecedents authorize him to be included among those to whom arts. 1 and 2 refer.

Sole paragraph. The entry can not be forbidden to a foreigner in the conditions of art. 3, if he should have temporarily retired from the Republic.

Art. 5. The expulsion will be individual and in the form of an act, which will issue from the Ministry of Justice and of the Interior.

Art. 6. The Executive will annually give an account of the execution of the present law to Congress and give it the names of each expelled person, stating his nationality. It will also give an account of the cases in which it refused to accede to the demands of the state authorities and the reasons for the refusal.

Art. 7. The Executive will by an official note inform the foreigner whom it has decided to expel of the reasons for the decision and will concede to him a period of three to thirty days in which to retire. It may also, as a measure of public safety, order his detention until the moment of departure.

Art. 8. Within the period that may be conceded to him, the foreigner may have recourse to the proper authority which ordered his expulsion, if this (expulsion) is founded on the dispositions of art. 1, or to the federal judicial authorities when (the expulsion) results from the dispositions of art. 2. Only in this latter case will the appeal have a suspensive effect.

Sole paragraph. The appeal to the federal judicial authorities will consist in the proof of the falsity of the alleged reason, made before the sectional judge with the presence of the public prosecutor.

Art. 9. The foreigner who should return to the territory whence he has been expelled will be punished with a sentence of from one to three years

imprisonment, in a suit prepared and judged by the sectional judge and after the sentence has been fulfilled he shall be once more expelled.

Art. 10. The Executive may revoke the expulsion, if the causes which determined it have ceased.

Art. 11. The dispositions to the contrary are revoked.

Rio de Janeiro, January 7, 1907, 19th of the Republic.

AFFONSO AUGUSTO MOREIRA PENNA.

AUGUSTO TAVARES DE LYRA.

Instructions for the Execution of Decree No. 1641, of January 7, 1907.

Art. 1. The expulsion of the foreigner, from part or from all the national territory, may take place in the following cases:

I. When the foreigner, for any reason, compromises the national security or the public tranquillity.

II. When he has been condemned or prosecuted by foreign courts for crimes or offences of a public nature, or when he has been twice convicted by Brazilian courts for crimes or offences of the same nature.

III. When he is a tramp, mendicant, or practices acts of pandering. (Decree No. 1641 of January 7, 1907, Art. 1st and 2nd.)

Art. 2. The expulsion provided for in No. 1 of Article 1, may be ordered by the Federal Government upon all occasions in which the individual shows himself, in the exclusive judgment of the Federal Government, prejudicial to the interests of national security or of public order, in any part of the Union.

Art. 3. The condemnation and prosecution by foreign courts is considered proved, sufficient for expulsion, either in view of the data obtained from the governments of the countries to which the individuals in question belong, or in view of certificates thereof, made in due form by proper officers.

The condemnation and prosecution by Brazilian courts will be proved in this second manner, whenever it is established that definite sentences, passed to judgment are treated of.

1st. Vagabondage and beggary will be proved by the warrant for imprisonment in flagrant infractions.

2nd. The proof of pandering must be made clear by authorized police inquiry, either by the existence of documents of acknowledged probatory worth, or the depositions of at least two credible witnesses affirming the truth of the charge.

Art. 4. The expulsion will be individual and will be made by act of the Minister of Justice and Domestic Affairs.

Art. 5. The act of expulsion having been issued, the foreigner will be officially notified, in writing, of the motives that determined the decision of the Government, allowing him from 3 to 30 days to leave the country; if it is found necessary, he may be held until the moment of departure.

Art. 6. In the Federal District the act of the Government will be executed by the Chief of Police, the disposition of the preceding article being observed.

Art. 7. Inside of the time allowed the foreigner to leave the country, he may, the expulsion being based upon Article I, appeal to the Executive Power through a petition addressed to the Minister of Justice, furnishing him with any documents admitted in law substantiating the appeal.

Art. 8. In other cases where expulsion may be ordered, the appeal will be made before a Federal court, and shall always have a suspensive effect. The last mentioned appeal shall consist in establishing proof of the falsity of the motive of expulsion, before the sectional judge, there being present a representative of the Public Ministry and an appeal lying at the option of both parties to the Supreme Federal Tribunal.

Art. 9. The presidents and governors of the states may make requisition upon the Federal Government for the expulsion of the foreigner within each state, whenever such person falls within any of the conditions provided for by Nos. 1, 2, and 3, of Article 1st of the present instructions.

1st. Requisitions must be accompanied by the data, — copies of the inquiry or any other documents, that may prove not only the identity of the individual whom it is proposed to expel, but his age, nationality, whether married or single, and profession, together with the facts or acts of which he is charged.

2nd. The Federal Government, in accord with the state governments, will take the necessary administrative measures to observe the disposition in Art. 12 of these instructions. In the Federal District it is the duty of the Chief of Police to look to the suitableness of the measures referred to.

Art. 10. The requisitions of the governors of the states having been attended to, the Minister of Justice will give them immediately knowledge of the fact, to the end that they may take steps in harmony with the provision of Article 5.

Art. 11. A foreigner may not be expelled who has resided in the Federal District, or in the states for two consecutive years or for less time if married to a Brazilian woman, or who is a widower with a child by a Brazilian woman. (Art. 3 of decree referred to.)

Art. 12. A foreigner will be denied entrance into Brazilian territory whose conduct in the country from which he came may be classified among any of the cases which justify expulsion. (Art. 4 of decree referred to.)

Art. 13. The Government may revoke the expulsion if the causes determining it have ceased to exist, — or may allow an extension of time to that already fixed for the foreigner to leave the country.

Art. 14. The foreigner who returns to the territory from which he has been expelled will be punished with a penalty of from one to three years imprisonment, in accordance with the existing penitentiary system, in proceedings prepared and tried by the sectional judge, with all legal resources, and after the sentence has been fulfilled he will be again expelled. (Art. 9 of the decree referred to.)

Art. 15. The Minister of Justice in his annual report will inform Congress minutely in reference to the writs issued, attaching a list of the individuals who have been expelled, under direct decision of the Federal Government, or upon requisition from the governors of the states.

Art. 16. In the office of the Director General of Justice, of the Department of State, under which all services are to be executed concerning the execution of the Decree No. 1641 of January 7th of the present year, there shall be kept in a special book the register of the writs of the government issued by virtue of the said decree.

Rio de Janeiro, May 3, 1907: (Signed) AUGUSTO TAVARES DE LYRA.

JAPANESE LAW OF 1899, PLACING RESTRICTIONS ON THE RESIDENCE OF
FOREIGN LABORERS IN THE INTERIOR OF JAPAN.

Law concerning Mixed Residence.

We, by the advice of our Privy Council, hereby give our sanction to matters relating to the residence and occupation, etc., of foreigners who either by virtue of Treaty or of Custom have no freedom of residence and order the same to be promulgated.

(Imperial Seal and Sign Manual.)

July 27th, 1899.

MARQUIS YAMAGATA ARITOMO, Minister President.

MARQUIS SAIGO YORIMICHI, Minister for Home Affairs.

VISCOUNT AOKI SHUZO, Minister for Foreign Affairs.

KIYOURA KEIGO, Minister for Justice.

IMPERIAL ORDINANCE NO. 352.

Art. 1. Foreigners who either by virtue of Treaty or of custom have not freedom of residence may hereafter reside, remove, carry on trade and do other acts outside the former Settlements and Mixed Residential districts. Provided that in the case of laborers they cannot reside or carry on their business outside the former Settlements or Mixed Residential districts unless under the special permission of the administrative authorities.

The classes of such laborers (referred to in the preceding paragraph) and details for the operation of this ordinance shall be determined by the Minister for Home Affairs.

Art. 2. Persons infringing the proviso of clause 1 of the foregoing Article shall be sentenced to a fine not exceeding Y 100.

SUPPLEMENTARY RULES.

Art. 3. This law shall be put into operation on and after August 4th, 1899.

Art. 4. Imperial Ordinance 137* of August 4, 1894, shall be rescinded after the date on which this law comes into force.

HOME OFFICE NOTIFICATION NO. 42.

Details relating to the operation of Imperial Ordinance No. 352, 1899, concerning the residence and occupation of foreigners who have no freedom of residence either by virtue of Treaty, or of custom are decided as follows:—

MARQUIS SAIGO YORIMICHI, Minister for Home Affairs.

Art. 1. The administrative authorities mentioned in Art. 1 of Imperial Ordinance No. 352, 1899, shall be the head of each Prefecture and of Hokkaido.

Art. 2. The laborers mentioned in Art. 1 of the same law shall be men engaged in labor in agricultural, fishing, mining, civil engineering, architectural, manufacturing, transporting, carting, stevedoring, and other miscellaneous work. Provided that this rule is not applicable to those who are employed in household services such as cooking and waiting.

Art. 3. Permission given to laborers (to reside in the interior) may be cancelled by a local Governor when he deems it necessary to do so for the public welfare.

* Refers to conditions upon which Chinese subjects might remain in Japan during Japan-China War.

THE ACRE CONTROVERSY.

Treaty between Brazil and Bolivia terminating the dispute over the Acre Territory, signed November 17, 1903.

The Republic of the United States of Brazil and the Republic of Bolivia, animated by the desire of consolidating forever their traditional friendship, of removing the causes for possible discord, and wishing at the same time to facilitate the development of their commercial and neighborly relations, have agreed to celebrate a treaty for exchange of territories and other compensations in conformity with the stipulations of art. 5 of the treaty of friendship, boundaries, navigation, and commerce of March 27, 1867.

And for this purpose have named plenipotentiaries, to wit:

The President of the Republic of the United States of Brazil: Messrs. José Maria da Silva Paranhos do Rio Branco, minister of foreign affairs, and Joaquim Francisco de Assis Brazil, envoy extraordinary and minister plenipotentiary in the United States of America; and

The President of the Republic of Bolivia: Messrs. Fernando E. Guachalla, envoy extraordinary and minister plenipotentiary on special mission to Brazil and Senator of the Republic, and Claudio Pinilla, envoy extraordinary and minister plenipotentiary in Brazil, nominated minister of foreign affairs of Bolivia;

Who, after an exchange of their full powers, which were found to be in good and due form, have agreed on the following articles:

ARTICLE I.

The boundary between the Republic of the United States of Brazil and the Republic of Bolivia shall be established as follows:

1. Starting from lat. 20° 08' 35" south, opposite the outlet of Bahia Negra into the Paraguay River, it shall ascend this river to a point on the right bank at a distance of 9 kilometers, measured in a straight line, from the port at Coimbra; that is, approximately at lat. 19° 58' 05" and long. 14° 39' 14" west of the observatory at Rio de Janeiro (57° 47' 40" west of Greenwich), in accordance with the map of the boundary drawn by the mixed boundary commission of 1875 and it shall continue from this point on the right bank of the Paraguay by a geodetic line which shall extend to another point four kilometers distant, in the true direction of 27° 01' 22", northeast, from the so-called "boundary monuments at the end of Bahia Negra," the distance of four kilometers being rigorously

measured along the present boundary, so that this point shall be, more or less, at lat. $19^{\circ} 45' 36.6''$ and long. $14^{\circ} 55' 46.7''$ west of Rio de Janeiro ($58^{\circ} 04' 12.7''$ west of Greenwich). From there it shall extend, in the direction marked out by the mixed commission of 1875, to lat. $19^{\circ} 02'$, and thence eastward along this parallel to Arroio de Conceicao, following this to its mouth on the southern bank of the outlet of Lake Caceres, also called Tamengos River. It shall ascend the river to the meridian cutting Tamarindeiro Point, and thence northward along the meridian of Tamarindeiro to lat. $18^{\circ} 54'$, continuing along this parallel to the west until it meets the present boundary.

2. From the point of intersection of parallel $18^{\circ} 54'$ with the straight line forming the present boundary it shall extend, in the same direction as today, to lat. $18^{\circ} 14'$, and eastward along this parallel to where it meets the outlet of Lake Mandioré, along which it shall ascend, crossing the lake in a straight line to a point on the former boundary line equidistant from the two existing boundary monuments, and thence along this former line to the boundary monument of the northern shore.

3. From the northern monument in Lake Mandioré it shall continue in a straight line, in the same direction as today, to lat. $17^{\circ} 49'$, and along this parallel to the meridian of the extreme southeast of Lake Gahiba. It shall follow along that meridian to the lake, and shall cross the latter in a straight line to a point equidistant from the two existing boundary monuments on the old boundary line, and thence along this former or present boundary to the entrance of the Pedro Segundo Canal, also known recently as Pando River.

4. From the southern entrance of the Pedro Segundo Canal, or River Pando, to the confluence of the Beni and Mamoré the boundary shall be the same as that determined upon in art. 2 of the treaty of March 27, 1867.

5. From the confluence of the Beni and Mamoré the boundary shall follow down the Madeira to the mouth of the Abunan, an affluent entering on the left, and shall ascend by the Abunan to lat. $10^{\circ} 20'$. From there it shall extend along parallel $10^{\circ} 20'$ eastward to the Rapirran, and shall ascend the latter to its principal source.

6. From the principal source of the Rapirran it shall extend along the parallel of latitude of the source until it encounters to the west the Inquiry River, ascending along the latter to its origin; whence it shall extend to the "Igarapé Bahia," by the most prominent landmarks or by a straight line, as it shall seem best to the commissioners of the two countries appointed to mark the boundary.

7. From the source of the "Igarapé Bahia" it shall continue down the latter to its confluence on the right bank with the Acre or Aquiry River, which it shall ascend to its source, if the latter is not in longitude farther west than 69° west of Greenwich.

(a) In the case mentioned, that is, if the source of the Acre is in longitude not so far west as that indicated, the boundary shall follow along the meridian of the source to parallel 11°, and thence westward along this parallel to the boundary with Peru.

(b) If the Acre River, as seems certain, crosses longitude 69° west of Greenwich and extends either to the north or south of said parallel 11°, following the latter more or less, the channel of the river shall form the dividing line to its source, along the meridian of which it shall continue to parallel 11°, and thence westward along the same parallel to the boundary with Peru; but if to the west of said longitude 69° the Acre flows entirely south of parallel 11°, the boundary shall extend from that river along longitude 69° to the point of intersection with the said parallel 11°, and thence along it to the boundary with Peru.

ARTICLE II.

The transference of territories resulting from the delimitation described in the preceding article includes all the rights inherent in them and the responsibility flowing from the obligation to maintain and respect the legal rights acquired by citizens and foreigners, according to the principles of the civil law.

The claims arising from administrative acts and events that have taken place in the territories exchanged shall be examined and judged by an arbitration tribunal composed of one representative of Brazil, another of Bolivia, and of one foreign minister accredited to the Brazilian Government. This third arbiter, president of the court, shall be chosen by the two high contracting parties immediately upon the exchange of ratifications of the present treaty. The court shall perform its functions during one year in Rio de Janeiro, and shall commence its labors within the period of six months, counted from the day of the exchange of ratifications. Its mission shall be: 1, to accept or reject the claims; 2, to fix the amount of the indemnities; 3, to designate which of the two Governments is to pay them.

The payments may be made in bonds issued for the purpose, at par, to draw interest at 3 per cent and sinking-fund charges of 3 per cent.

ARTICLE III.

Because of the fact that the areas exchanged by the two nations are not equal in extent, the United States of Brazil shall pay an indemnity of £2,000,000 (two million pounds sterling), which the Republic of Bolivia accepts with the design of applying it principally on the construction of railroads or other works tending to improve communications and develop commerce between the two countries.

The payment shall be made in two parts of £1,000,000 each, the first within the period of three months, counted from the exchange of ratifications of the present treaty, and the second on March 31, 1905.

ARTICLE IV.

A mixed commission named by the two Governments within the period of one year, counted from the exchange of ratifications, shall proceed to the demarkation of the boundary described in Art. I, commencing its labors within the six months following its nomination.

Any disagreement between the Brazilian and Bolivian commission which the two Governments may not succeed in settling shall be submitted to the arbitral decision of a member of the Royal Geographical Society of London, chosen by the president and members of the council of the same.

If the commissioners appointed by either of the high contracting parties to delineate the boundary fail to present themselves at the place and on the date agreed upon for the commencement of their labors, the commissioners of the others shall proceed of themselves to the marking, and the result of their operations shall be binding on both.

ARTICLE V.

The two high contracting parties shall conclude within the period of eight months a treaty of commerce and navigation based on the principle of the fullest liberty of land and river navigation for each of the nations; a right they shall both recognize in their dealings with each other perpetually, respecting fiscal and police regulations now established or that may in the future be established in their own territory. These regulations must be as favorable as possible to navigation and commerce, and they shall be made as uniform in the two countries as possible. It is, however, understood and declared that in this navigation is not included that from port to port of the same country, or internal river navigation, which shall continue in both countries subject to their respective laws.

ARTICLE VI.

In conformity with the stipulations of the preceding article and for the shipment in transit of articles of importation and exportation, Bolivia may maintain customs agents in the Brazilian custom-houses of Belém do Para, Manáos, and Corumbá, and in the other customs ports which Brazil may establish on the Madeira, and on the Mamoré, or at other points on the common boundary. Reciprocally, Brazil may maintain customs agents in the Bolivian custom-house at Villa Bella or in any other customs post Bolivia may establish on the common border.

ARTICLE VII.

The United States of Brazil obligate themselves to construct in Brazilian territory, themselves, or by means of private enterprise, a railroad from the port of Santo Antonio, on the river Madeira, to Guajará-Mirim, on the Mamore, with a branch, which, passing through Villa Murtinho or other nearby point (State of Matto-Grosso), shall extend to Villa Bella (Bolivia) at the confluence of the Beni and Mamoré. This railroad, which Brazil shall endeavor to conclude within the period of four years, both countries shall make use of, with the right to the same rates and privileges.

ARTICLE VIII.

The Republic of the United States of Brazil declares that it will canvass directly with the Republic of Peru the question of boundaries of the territory comprised between the source of the Javary and parallel 11°, attempting to arrive at an amicable settlement of the dispute, without responsibility for Bolivia in any case.

ARTICLE IX.

The disagreements which may arise between the two Governments with regard to the interpretation and execution of the present treaty shall be submitted to arbitration.

ARTICLE X.

This treaty, after approval by the legislative power of each of the two Republics, shall be ratified by the respective Governments and the ratifications exchanged in the city of Rio de Janeiro within the briefest period possible.

In faith whereof we, the plenipotentiaries above named, signed this

treaty in two copies, one in the Portuguese and one in the Spanish language, affixing thereto our seals.

Done in the city of Petropolis this seventeenth day of November, in the year one thousand nine hundred and three.

[L. S.]

RIO-BRANCO.

[L. S.]

J. F. DE ASSIS BRAZIL.

[L. S.]

FERNANDO E. GUACHALLA.

[L. S.]

CLAUDIO PINILLA.

Protocol of an agreement between Brazil and Bolivia for the postponement of the Labors of the Brazilian-Bolivian Arbitral Tribunal, created pursuant to Article 2 of the Treaty of November 17, 1903.

At a meeting of the Department of Foreign Relations of Brazil, at the City of Rio de Janeiro, on the 6th February, 1907, of the Minister of Foreign Relations of Bolivia, Dr. Claudio Pinilla, and the Minister of Foreign Affairs of Brazil, Dr. Jose Maria da Silva Paranhos do Rio Branco, being thereunto duly authorized, they entered into the following agreement:

Art. 1. The labors of the Arbitral Tribunal created by virtue of the provision of Article 2 of the treaty of the 17th November, 1903, which have been suspended since the 20th of May, 1906, shall recommence as soon as the Government of Bolivia is empowered to appoint its arbitrator, within the term of one year, the day of the resumption of work to be fixed by an exchange of notes.

Art. 2. The Apostolic Nuncio, as is agreed, shall be the President of the Tribunal.

Art. 3. The term of one year, beginning with the date of the re-opening, is hereby fixed for the termination of the labors of the Tribunal.

In faith and testimony of which they signed and sealed this protocol in duplicate, each one in the Spanish and Portuguese languages, and at the place and date above mentioned.

[L. S.] CLAUDIO PINILLA.

[L. S.] RIO BRANCO.

Instructions for the Mixed Brazilian-Bolivian Commission of Demarcation, signed at Rio de Janeiro on the 6th February, 1907.

At a meeting in the Department of Foreign Relations of Brazil, of the Minister of Foreign Relations of Bolivia, Dr. Claudio Pinilla, and the Minister of Foreign Relations of Brazil, Dr. Jose Maria da Silva Paranhos do Rio Branco, being thereunto duly authorized they formulated the following instructions by which shall be governed the Mixed Brazilian-Bolivian Commission, which is to make the demarcation of the frontier described in paragraphs 1, 2 and 3 of Article 1 of the treaty concluded at Petropolis on the 17th November, 1903, the said Ministers agreeing that, at the end of said labors, or previously, should it appear convenient, there shall be prepared and signed supplementary instructions for the demarcation of the lines treated of in paragraphs 4, 5, 6 and 7 of the said article.

Art. 1. Each of the two Commissions, Bolivian and Brazilian, appointed by virtue of the provisions of Article 4 of the treaty of the 17th November, 1903, shall be composed of a Chief Commissioner, of a Secretary, and of as many substitute commissioners, aids to the Chief Commissioner, and functionaries of the health service, transportation and commissary as may appear necessary to the Government.

An escort shall accompany each Commission.

Art. 2. The two Commissions shall meet at Corumba in the State of Matto Grosso on the day which the two Governments may designate by means of an exchange of notes, within six months following the date of the present instructions.

There, at the first conference the Chief Commissioners, their substitutes, assistants and secretaries shall proceed to the examination and comparison of the authenticated copies of their appointments and likewise to the examination of the authenticated copies of the present instructions. The regularity of said documents having been established, a minute of the fact shall be made, the Mixed Brazilian-Bolivian Commission of boundary demarcation remaining thus established.

Art. 3. Each one of the two Commissions will provide itself with the necessary floating material, and the two shall in common put their chronometers in order, verifying also the quality and the state of the instruments which they have at their disposal.

Art. 4. The Mixed Commission shall proceed to the demarcation of the boundary described in paragraphs 1, 2 and 3 of Article 1 of the treaty, included between Bahia Negra and the south entrance of the canal Pedro II or Rio Pando.

Art. 5. The demarcation shall be commenced at any of the extreme or intermediate points of the frontier described in the before-cited paragraphs 1, 2 and 3 of Article 1 of the treaty, according as may be most convenient to the work, in view of the local circumstances and the season in which the Commissioners have to operate.

Art. 6. These labor shall be executed at different points of the frontier, the Mixed Commission dividing itself for that purpose into sub-commissions or parties in which the Commission of each one of the two countries shall be represented. The chief commissioners shall draw up by common consent the instructions by which those sub-commissions shall be governed.

Art. 7. The boundary shall be marked by land marks of a permanent construction at the extreme points of the different lines and also at intermediate points where they may be considered necessary by either of the two Commissions.

Art. 8. A minute shall be drawn up of the location of each land mark describing the same, and indicating its geographic position.

Art. 9. Any disagreement between the Bolivian-Brazilian Commissions shall be submitted to the decision of their Governments in order that they may proceed in pursuance of the provision of the second paragraph of Article 4 of the treaty.

Art. 10. The Commission shall present to their respective Governments in duplicate a map of the region marked out, as likewise the necessary partial plans, authenticated by the Commissioners.

Art. 11. The provisions, instruments, and any articles whatsoever which the Commissions may have to transport from one territory to the other in the discharge of their duty, shall enter into it absolutely exempt from customs duties and from whatsoever internal tax.

Art. 12. As soon as the demarcation of the boundary described in paragraphs 1, 2 and 3 of Article 1 of the Treaty of Petropolis, shall be finished, the Commission shall continue their work on the rest of the frontier at the time and in the manner agreed upon by the Chief Commissioners, the rules established in the present convention being applicable to said work, as likewise the prescriptions of Article 4 of the treaty of the 17th November, 1903.

In testimony whereof the two Ministers above mentioned sign and seal these instructions in duplicate, each one in the Spanish and Portuguese languages, at the City of Rio de Janeiro at the place above stated, on the 6th day of February, 1907.

[L. S.] . CLAUDIO PINILLA.

[L. S.] RIO BRANCO.

*Instructions for the Reconnaissance of the Rio Verde and its
Headwaters.*

At a meeting in the Department of Foreign Relations at Rio de Janeiro of the Minister of Foreign Relations of Bolivia, Dr. Claudio Pinilla, and the Minister of Foreign Relations of Brazil, Dr. Jose Maria da Silva Paranhos do Rio Branco, being thereunto duly authorized, they entered into the following agreement:

Art. 1. The Mixed Commission charged with the demarcation of the new boundary between Bolivia and Brazil in Matto Grosso is also charged with ascertaining whether the so-called land mark of the source of the Rio Verde, established in execution of the treaty of the 27th March, 1867, is in reality on said river, or whether, as some persons state, it exists at the source of an affluent of the Paragua.

Art. 2. To this end the Mixed Commission, or a sub-commission appointed by the Chief Commissioners, after placing land marks at the confluence of the Rio Verde, if the old ones should have been destroyed, shall ascend the same as far as the source of the streams that form it, making a plan of the river and its headwaters.

Art. 3. If the land marks should be alongside the river Paragua and not at the side of the river Rio Verde, the Commission will endeavor to ascertain by an examination of the ground whether, since 1867, there has been a change in the upper course of the second of these rivers and whether there are indications of any old river bed leading from the land marked to the Rio Verde.

Art. 4. Any disagreement respecting technical questions which may rise between the Commissions shall be resolved in accordance with the stipulations of Article 4 in the treaty of 17th November, 1903.

Art. 5. The two Governments, as soon as they shall have studied the reports and plans of the Mixed Commission, upon this reconnaissance shall decide whether the land mark ought to be preserved where it now is or to what point it ought to be removed.

Art. 6. The reconnaissance of the Rio Verde and its headwaters may be made before the work of boundary demarcation, provided for in the treaty of the 17th November, 1903, or at the same time when that work is performed.

In testimony whereof the two Ministers above mentioned sign and seal these instructions in duplicate, each one in the Spanish and Portuguese languages, in the City of Rio de Janeiro on the 6th day of February, 1907.

[L. s.] CLAUDIO PINILLA.
[L. s.] RIO BRANCO.

ENGLISH COPY OF SIMULTANEOUS AGREEMENTS MADE BETWEEN FRANCE AND SPAIN AND GREAT BRITAIN AND SPAIN, MAY 16, 1907, FOR THE MAINTENANCE OF THE TERRITORIAL STATUS QUO OF THESE THREE COUNTRIES IN THE MEDITERRANEAN AND IN THAT PART OF THE ATLANTIC OCEAN WHICH WASHES THE SHORES OF EUROPE AND AFRICA.

FOREIGN OFFICE, *May 16, 1907.*

YOUR EXCELLENCY: Animated by the desire to contribute in every possible way to the maintenance of peace, and convinced that the preservation of the territorial status quo and of the rights of Great Britain and Spain in the Mediterranean and in that part of the Atlantic Ocean which washes the shores of Europe and Africa must materially serve this end, and is, moreover, to the mutual advantage of the two Nations bound to each other by the closest ties of ancient friendship and of community of interests:

The Government of His Britannic Majesty desire to lay before that of His Catholic Majesty the following declaration of policy, in the confident hope that it will not only still further strengthen the good understanding so happily existing between them, but will also promote the cause of peace:

The general policy of the Government of His Britannic Majesty in the regions above defined is directed to the maintenance of the territorial status quo, and in pursuance of this policy they are firmly resolved to preserve intact the rights of the British Crown over its insular and maritime possessions in those regions.

Should circumstances arise which, in the opinion of the Government of His Britannic Majesty, would alter, or tend to alter, the existing territorial status quo in the said regions, they will communicate with the Government of His Catholic Majesty in order to afford them the opportunity to concert, if desired, by mutual agreement the course of action which the two Powers shall adopt in common.

I have the honour to be, with the highest consideration,

Your Excellency's most obedient humble servant,

(Signed) E. GREY.

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